

III.A Land Use and Zoning

III. – Impact Study Comments/Responses

A. Land Use and Zoning

Comment III.A-1:

They spoke about the baseball park. This will bring attractive, affordable and quality entertainment to downtown Yonkers. This is incredible.

(Michael Carriere, Rep. of District Council 9, Painters and Allied Trades, Public Hearing, 4/29/2008, Page 37-38)

Response III.A-1:

Comment noted.

Comment III.A-2:

I would like to see Yonkers have a better future, a bigger and better project and more construction jobs and more permanent jobs. The master development agreement at the subject location should be scrapped because it won't produce the meaningful jobs and revenues that Yonkers needs for its fiscal and social viability. It's not the highest and best use for the property, particularly talking about Chicken Island, is a giveaway of an immensely valuable public property and irresponsibly-- for nothing, by the way, peanuts, and irresponsibly seeds indefinite control of the city's future due to developers who have no personal liability or accountability under a shell corporation. Instead of wasting these irreplaceable and valuable public owned assets, low income housing, big box retailers which will wipe out all the local small retailers, and a bush league baseball stadium that would be better placed elsewhere, Yonkers should position itself to capture the job producing-- relocating offices from New York City for cost, space and security reasons. Chicken Island, Main Street and Larkin Plaza should be divided into separate 25,000 to 60,000 square foot parcels upzoned 15 to 20 to one floor to area ratio that they are for high-rise mix commercial use with retail on the ground and second floors, and 16 to 18 stories of job producing office space which could produce about, I would say, 10 to 20 thousand jobs, permanent jobs with parking below grade. This parcel should be prepackaged with approved environmental impact statements, and then put out separately for bid to these same developers or others. A similar procedure should be followed with the luxury housing on a major portion of the Hudson River waterfront saving at least two miles of that waterfront for high tech export free zone for a job development program which was previously submitted to the city administration.

(Harry Hanger, Resident, Public Hearing, 4/29/2008, Page 40-42)

Response III.A-2:

Comment noted. This project is consistent with the City's goal of creating a mix of uses in downtown Yonkers. Chapter III.I of the DEIS contains estimates of the number of permanent jobs created by the Project. In addition to 13,000 construction jobs, there will be 5,300 permanent jobs in retail, office, service and the hospitality sectors. In addition, the Applicant will hire a minority and women business recruitment consultant. This consultant will assist the Applicant in hiring local, minority, and women-owned businesses and employees for both the construction and permanent jobs associated with the Project. The Applicant is in the process of

evaluating various agencies/companies for this effort. Some of the candidates are Westchester One Stop and Rapid Start. With regard to the preparation of separate environmental reviews for each component of the Project, see Response III.A-10.

Comment III.A-3:

As you are aware, the Palisades Point element of the Project calls for the construction of two 25-story residential towers on the Sugar Refinery's northern border. Such development of the Yonkers waterfront would eliminate the traditional buffer areas that normally separate an industrial use from a residential use.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 4/28/2008)

Response III.A-3:

Palisades Point is primarily vacant land and land used as parking. Residential use is now well established immediately to the north of Palisades Point, and new residential development continues to be proposed for the waterfront. In addition, there are a mix of uses, including residential uses and daycare, to the east of the ASR property and Palisades Point. The development of Palisades Point is consistent with the City's land use plans for the downtown waterfront and residential use is consistent with the land use trend in the area. In addition, it should be noted that the Palisades Point building will be separated from the ASR property by 75 feet due to a parking area and landscaped areas at Palisades Point, and the closest residential tower at Palisades Point will be 230 feet from ASR's northerly property line. In addition, while the material details and design of the proposed buildings have not yet been defined, the anticipated materials and construction techniques to be used at Palisades Point will provide a level of sound attenuation to mitigate most anticipated outdoor to indoor noise and especially as related to train pass bys. Final details regarding materials and design of the proposed buildings will be determined in coordination with the City of Yonkers' Planning Board during the Site Plan Review process and comply with all relevant City Codes and Ordinances. Proposed mitigation measures for the southerly Palisades Point building is discussed throughout the DEIS and this FEIS, specifically in Chapters III.A, III.F (see pages III.F-32 and 33 of the DEIS), and III.G.

Comment III.A-4:

Palisades Point threatens to set a precedent for modifying the Downtown Master Plan, which was crafted as a result of dialogue with the community and the city of Yonkers to design zoning regulations that adhered to community scale and character.

(James A. Slaughter, Director of Land Use Advocacy, Scenic Hudson, Letter, 5/1/2008)

Response III.A-4:

Comment noted. As part of the Proposed Action, it is anticipated that the Downtown Waterfront Plan will be modified to reflect the Applicant's new potential of the waterfront and the new vision of the Yonkers waterfront. Typically planning documents, including the Downtown

Waterfront Plan are intended to be constantly updated to reflect the new realities of the area and the community's current vision for the area.

Comment III.A-5:

I am not sure why we need 25 or 30 story buildings, the same like the cities around us have tower envy recently.

(Anthony Felicissimo, Resident, Public Hearing, 4/29/2008, Page 93)

Response III.A-5:

Comment noted. The Project builds on, and adds to, the mixed use nature of downtown and the waterfront. It is expected that the Project will help create a more vibrant downtown and a more vibrant waterfront district. Increasing the number of residents, and thus building tall buildings, is a crucial part of that plan. In addition, the height of the buildings allows the City to add residents, while preserving, and creating, open space. This is indicated in the Alternatives Chapter of the DEIS (Chapter V), where buildings with different heights are compared for Palisades Point along with a comparison of the amount of publicly accessible open space. Further, the Applicant notes that by maintaining density through the use of height, more open space can be maintained at ground level due the smaller footprint of taller buildings. A shorter building height program would necessarily result in buildings having greater land coverage. Additionally, the Applicant notes that a shorter building program could require the building footprints to be configured in a more dispersed pattern on the site, including occupying more of the southerly portion of the site, which would reduce the ability to provide a spatial buffer between the residential buildings and the industrial uses to the south. It is further noted, that unlike other waterfront related projects that have been undertaken in Yonkers, the Palisades Point site does not fall under the NYS Brownfields program, thus there are no brownfields-related economic incentives, such as tax incentives, to help offset the cost of construction, which for waterfront property in the City can be potentially prohibitive given existing conditions related to fill material. Additionally, construction costs associated with providing necessary building foundations in the form of piles driven to bedrock also contribute to economic calculus of building on this site. Such costs, estimated by the Applicant to add 10% to the total construction cost, would have to be incurred regardless of whether the buildings were to be 16 stories or 25 stories as proposed. In the Applicant's opinion, these costs become economically infeasible in a shorter height building program, which would result in fewer marketable units. See also Response III.A-200.

Comment III.A-6:

I am not for anyone losing their jobs or being in the street and being homeless, but I am for the progress of the neighborhood, and I do believe when you build that ballpark out there, I when I came up here I looked out the fourth floor window and I said there is plenty of room there for a ballpark, other buildings, for opening up a waterfront and for jobs for the neighborhood, that is where my little thing is, so thank you very much.

(Frank Casanova Jr., Resident, Public Hearing, 4/29/2008, Page 137)

Response III.A-6:

Comment noted.

Comment III.A-7:

The majority of Yonkers land mass which is outside the downtown, along with the river town surrounding Yonkers, will provide a low-rise balance to the new proposed Yonkers downtown developments.

(Stanley Fishbein, Public Hearing, 4/29/2008, Page 159)

Response III.A-7:

Comment noted.

Comment III.A-8:

We did submit a proposal, proposed compromise on February 18th to the DEIS. I don't know if you guys read it, and we are pretty adamant about that. We are more than willing to sit down with the SFC and come up with another compromise on Getty Square. I understand the building height [proposed] is 50 stories, and we are more than willing to sit down and discuss that.

(Kyle Fitzmaurice, Vice President, Hudson River Community Association, Public Hearing, 4/29/2008, Page 170-171)

Response III.A-8:

Comment noted.

Comment III.A-9:

The things that I want to bring up tonight because I just -- you guys are the only ones who can keep all of us honest as this thing goes forward, and what I want you to watch out for, the planned urban redevelopment, this PUR which I do not really pretend to understand, I will pretend to understand, but it seems to just be sort of an okay, we'll give you this and then you don't have to worry about any zoning ordinances ever again. I just don't like that idea.

(Charlie Hensley, Public Hearing, 4/29/2008, Page 176-177)

Response III.A-9:

Comment noted. PUR is a land use control mechanism that can be used in an urban renewal area that allows the Council to supersede the existing zoning requirements by issuing a special permit to the Applicant. That special permit will contain all of the requirements that the Applicant must abide by when building on the site. All of those requirements are detailed in the DEIS.

Comment III.A-10:

The Draft Environmental Impact Study lumps all of these projects together in terms of tax revenue and expenses. Would it not be better to analyze them separately? Bill Struever, the “S” of SFC, himself said at a City Council Real Estate meeting that the builders envision these as separate projects. Accordingly, we should analyze them that way.

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.A-10:

The projects are being analyzed together because they are each part of the Applicant’s overall development plans. Considering the projects separately would not adequately address the overall impacts that the sum of the projects, when taken together, will have. Moreover, segmenting the project into separate analyses would be contrary to SEQRA, which encourages a comprehensive review of Proposed Actions.

Comment III.A-11:

Many recent market analyses have pointed toward a glut of retail merchants, particularly clothing and electronics, throughout the USA, along with a recession and inroads from internet shopping. Is there too much retail planned for Yonkers with Ridge Hill Village and the expansion of Cross County Mall? This project could be on a smaller scale and still meet the needs of all shoppers. Otherwise, rather than sales taxes, will we be inheriting closed stores?

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.A-11:

The Applicant has prepared a study of the retail market as part of this application that includes both Ridge Hill and the expansion of the Cross County Shopping Center. That study can be found in Appendix 3E of the DEIS. It indicated that there is more than enough disposable income in the trade area to support all of the proposed retail development.

Comment III.A-12:

The public has a right to know the sales price of all public properties: Chicken Island Mall, Parcels H&I, the current park next to the police station.

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.A-12:

The preliminary purchase price for all public properties was defined in the MDDA. SFC and the City of Yonkers have ordered appraisals for the municipally owned properties to be used as a basis for negotiating a purchase price in the Land Disposition Agreements (LDA). The MDDA outlined a purchase price for municipally owned properties of \$1.2 million per acre which will also be used in the LDA negotiations. The final purchase price for all municipally owned properties will be part of the overall business deal between SFC and the City finalized in the LDA at the conclusion of the SEQRA process. No properties will be conveyed to the Applicant without the approval of the Yonkers City Council who makes such approvals for the disposition of all City property.

Comment III.A-13:

Team Finances - If the [baseball] team is not making enough money on the games, will they leave the site and if so, what is the planned alternate use for the field?

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.A-13:

If the league or team was to fail, and no other baseball team was found to replace it, Yonkers would still have a recreational facility that would be available for high school baseball, soccer and other events.

Comment noted in response to Councilwoman McDow's comment of support.

Comment III.A-14:

Entertainment - Why do we need so many movie screens? How about a small theatre for jazz/chamber/country music? What about an "art house" movie theatre instead of all first-run stuff for teens? That would be something that would bolster the success of the classy restaurants on the waterfront and bring in a more monied crowd.

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.A-14:

The programmed uses for River Park Center are consistent with, and advance the Applicant's goals of, creating a more vibrant downtown area characterized by a mix of uses. Mixed use is also recommended in various downtown planning studies undertaken by the City.

Comment III.A-15:

The 25-story buildings on Parcels H&I (Palisades Point) are just too tall because they will set a precedent for all future development along the Hudson River waterfront.

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.A-15:

A visual simulation depicting the Proposed Action, refer to Exhibit II-18 in this FEIS, provides a composite comparison to other conceptually planned, but as of yet not proposed, development program to the north.

Comment III.A-16:

The 25-story buildings on Parcels H&I (Palisades Point) are just too tall because they do not conform to the 1998 Waterfront Master Plan which requires that waterfront building blend architecturally and in scale with the current (1998) downtown.

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.A-16:

The Proposed Action includes an amendment to the 1998 Plan, which will be considered by the City Council as part of its deliberations on this project. See Response III.A-4.

Comment III.A-17:

Palisade Avenue Office Building - Can't this building be used for additional city office space, instead of overbuilding on the Cacace Center property and taking down 87 Nepperhan Avenue?

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.A-17:

The Palisade Avenue Office Building provides an additional 10,000 square feet of retail and 225,000 square feet of office space. Many in the community have expressed interest in having a facility of higher education locate in that building and that opportunity is being pursued. If the City offices were to locate in the new Palisade Avenue Building, that opportunity might not be able to be realized. Furthermore, the distance between City Hall and the Palisade Avenue Office building would be greater than the distance to the Cacace Center.

Comment III.A-18:

There is no mention of the Yonkers Parking Authority or approvals.

(Michael J. Dalton, Executive Director, Yonkers Parking Authority, City of Yonkers, E-mail, 5/19/2008)

Response III.A-18:

The legal ownership structure of the public parking facilities has not yet been determined, and will be finalized in the Land Disposition Agreements. The precise role of the Yonkers Parking Authority will also be finalized in the Land Disposition Agreements. The Applicant's representatives met with commissioners and various department heads. The Yonkers Parking Authority in May 2007, provided substantive comments to the DEIS.

Comment III.A-19:

Our current review comments on the proposed development projects highlight the incompleteness of the site plan information presented in the draft EIS. The diagrams provided in the report are difficult to read, given the scale of the projects, and many elements are not described or not legible.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008, Page 3)

Response III.A-19:

Detailed site plans have not yet been prepared for each project. The site plans will, however, still have to go through the City's Site Plan Approval process and will be subject to the conditions described in this FEIS and the Council's SEQRA findings. In addition, please refer to Chapter I

of this FEIS for additional and more detailed diagrams of the Project's components. See also Response III.A-91.

Comment III.A-20:

Provide more detailed site plans. While physical elements of the project are described in the text of the draft EIS, the lack of detailed site plans beyond 8-5" x 11" diagrams lead to confusion about the construction that is being proposed, particularly for the River Park Center element of the development. A better understanding of what is proposed to be built could be better conveyed through larger-scale site plan drawings. The diagrams shown in the draft EIS are difficult to read, given the scale of the project, and many elements of the plan are not legible. Detailed descriptions and renderings are also lacking certain key project elements such as the Palisade Avenue Office Building (a proposed 14-story building with 235,000 square feet of floor area) and the other office component of River Park Center. The lack of complete plans prevents a complete review. We note that the recently discussed proposal to construct a model should be a useful additional resource for the review process.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008, Page 7)

Response III.A-20:

A number of renderings in the DEIS depict all or part of the proposed buildings, including the Palisade Avenue office building. Detailed renderings of this building will be provided as part of the Site Plan approval process. Also see Response III.A-19.

Comment III.A-21:

Prepare comprehensive pedestrian plans. We are concerned that pedestrian access will not be uniformly provided to all parts of the downtown development sites from surrounding neighborhoods. For example, the draft EIS states, "primary shopper access to the supermarket will occur from the parking garage." Given that supermarkets are a necessity for both the new residents of the project as well as existing residents of the surrounding neighborhood (particularly because an existing supermarket on New Main Street will be demolished under the proposal), primary access should be from the street. Nearby residents should not be required to either drive or walk through a parking structure to buy groceries. While this is one example of inadequate pedestrian access described in the text of the draft EIS, without detailed site plans it is not possible to verify adequate pedestrian access from the street to other elements of the proposed developments. For example, will pedestrian access be provided on the new bridge over the MetroNorth tracks connecting to Palisades Point?

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008, Page 15)

Response III.A-21:

The Project provides numerous pedestrian access points around the River Park Center site. Access to all uses is either made directly from the street in the case of grade level merchants or directly from vertical cores or lobbies in the Project, which are accessible at grade from the street or interior public plazas. Access to the supermarket from New Main Street is across a plaza and thru Core A at grade in the northeast corner of the plaza directly on New Main Street. The

supermarket is also accessible from Palisade Ave via a sidewalk connection west of Core C and across the parking field to a set of stairs west of the mechanical room. There are typically multiple access points to tenants in the Project. Note that there are no plans to demolish the existing ShopRite store in downtown Yonkers. Given concerns expressed by area residents and others, as well as cost factors, the proposed Prospect Street bridge has been eliminated from the Proposed Action. These concerns include issues of safety, security and traffic congestion for residents of the Scrimshaw House, and issues of potential impacts on the children's playground and parents' ability to drop-off their children at the Queen's Daughter daycare facility.

Comment III.A-22:

Explain relationship between parking structure and ground floor uses. The draft EIS does not explain who will be responsible for the construction of the storefronts that will be incorporated into the façade of the parking garages. If the garages are proposed as public improvements, will the financing of the storefront construction be separated out? Who would own the retail spaces and who would receive rent payments from tenants? Similar questions should be addressed as they relate to the proposed new Salvation Army headquarters space.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008, Page 16)

Response III.A-22:

Where possible a liner of shallow retail space will be located on the ground floor at street level, tucked in under the parking structure. The financing for the storefronts will be separated from the financing of the rest of the parking structures and will be the responsibility of the Applicant. The retail spaces will be owned by, and rent will accrue to, the Applicant. The same is true of the new Salvation Army headquarters space.

Comment III.A-23:

Conduct planning process to assess need for and scope of amendments. The County Planning Board recognizes that comprehensive plans and area master plans require constant monitoring and updating to remain relevant guidance documents for public and private investments and initiatives. However, as we are emphasizing through our Westchester 2025 Plan Together program, it is critical that plans and amendments of such plans - be based on an articulated long-range community vision that all interested parties can understand and rely upon. From a regional perspective, the Yonkers Waterfront Master Plan appears to have served the city well in guiding the already existing, successful waterfront development. We suggest that an amendment of the plan should be based on a more comprehensive and broader discussion than to meet the needs of a particular applicant. The development of such a basis through a public planning process seems particularly critical in this situation where the requested amendments are so significantly at variance with the current, adopted guidelines.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008, Page 16-17)

Response III.A-23:

The Council agrees that changes to the City's planning documents, including the Waterfront Master Plan, must include input from the public. In 2006, the Council unanimously approved a

Master Developer Designating Agreement (MDAA) that gave SFC the right to redevelop, with community input, and input from the City, a portion of downtown Yonkers. The Applicant has hosted over 40 community meetings on the SFC plan along with two SEQRA hearings and numerous Council meetings. The amendments to the Waterfront Master Plan described in the DEIS are the result of this years-long planning process and put forth an updated vision for downtown Yonkers.

Comment III.A-24:

Provide current and proposed plan text. We recommend that the proposed amendments be presented in a "delete/add" format. The text of the amendments contained in Appendix I.E only provides new text.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008, Page 17)

Response III.A-24:

Appendix E of this FEIS presents the proposed zoning amendments in the format requested by the County.

Comment III.A-25:

Relationship to surrounding community. We recommend that the city give consideration to the integration of the new, large-scale development projects to the fabric of "old" Yonkers, from both short-term and long-term perspectives. For example, does tile city contemplate that the redevelopment area be expanded to "ring" the new development with setback requirements or a green buffer or, conversely, with higher density zoning to promote redevelopment that will be able to be integrated in size and scale with this proposal? The city should evaluate what type of community planning approach would best establish an integrated downtown as opposed to superblocks of multi-story parking garages and large buildings.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008, Page 20)

Response III.A-25:

Comment noted. The Council appreciates the recommendation of the County Planning Board regarding future City planning actions. Contrary to the County's suggestion, the proposed development does utilize a superblock approach, essentially by the closing of School Street and combining areas to the east and west into the large development site that is proposed as River Park Center. This approach facilitates the mixture of uses, the riverwalk and ballpark, all of which are combined to utilize the entire superblock site.

River Park Center provides active street-level uses on all four sides of the Project site. These include a variety of pedestrian accessible uses including retail, office and access to the riverwalk as described below. Retail activities are more prominent on the Projects western and southern frontages, along Nepperhan Avenue and New Main Street.

On the Project site's northern frontage, these include retail spaces along the southern side of Palisades Avenue, abutting the existing retail establishment located on the corner of New Main

Street and Palisade Avenue, and another street-level retail space further east on Palisades Avenue. Pedestrian access points to the garage and retail spaces contained in the podium are also provided along Palisades Avenue between these two retail spaces (see Exhibits II-1 and II-2 in this FEIS). The project also provides street-level retail uses on the north side of Palisades Avenue in the Palisades Avenue Office Building (see Exhibits II-2 and II-17 in this FEIS).

Along the Project's eastern frontage (Elm Street), active street-level uses include retail/restaurant spaces on the west side of Elm Street just south of Palisades Avenue (see Exhibit II-2 in this FEIS). Also along Elm Street, pedestrian access to the riverwalk is provided. The river flows under Elm Street at this location and pedestrian access to the riverwalk is provided to both the north and south banks of the riverwalk. Elm Street is fronted by active retail/restaurant uses adjacent to these pedestrian riverwalk access points. Further south on Elm Street, where it intersects Nepperhan Avenue, the lobby of the corner office building occupies the Project's street frontage. This lobby wraps the corner of Elm Street and Nepperhan Avenue, with primary access to the office building being provided directly on the corner of this intersection.

The southern frontage of the Project site includes a continuation of the office building's lobby and, further west from the corner of Nepperhan Avenue and Elm Street, Mount Carmel Baptist Church (not part of the Project). From this point west along Nepperhan Avenue, along the Project's southern edge, the retail and restaurant spaces along the riverwalk are setback from Nepperhan Avenue and pedestrian access is provided to the riverwalk and the ballpark via a series of bridges and vertical circulation elements. The southern side of the Project opens up to a plaza as it reaches New Main Street (see Exhibit II-1 in this FEIS). At this location, the plaza is occupied by an open air amphitheater and restaurants in large small stand-alone buildings. The plaza wraps the corner of Nepperhan Avenue and New Main Street and stretches north along the New Main Street frontage of the site. Active street-level restaurant/retail uses line the Project's New Main Street frontage along the full length of the Government Center garage (except where vehicular access is provided to the garage) and along River Park Center north of the plaza up to vehicular access driveway to the garage located just south of Palisades Avenue (see Exhibit II-1 in this FEIS).

As noted above, this Project, and the accompanying amendments to the City's planning documents, is the result of a process that has lasted several years. The conceptual basis for this plan is derived from the City's comprehensive planning and urban renewal documents, which are described in Chapter III.A of the DEIS. Furthermore, the City is currently continuing to plan for other than the downtown areas, including Alexander Street, Ashburton Avenue, Nodine Hill and the Nepperhan Valley, among others.

Comment III.A-26:

The draft EIS makes little mention of the sugar refinery which directly abuts the Palisades Point portion of the project site. We recommend that this discussion be expanded as there may be aspects of the sugar refinery operation which may conflict with residential uses if not properly mitigated, particularly if the sugar refinery were to expand operations in the future. Possible concerns include odor, noise, rodents and truck traffic.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008, Page 21)

Response III.A-26:

Comment noted. For information about the Sugar Plant and its effects on the proposed development at Palisades Point, see Chapters III.E, III.F, and III.G of this FEIS. It should also be noted that the Applicant has engaged in initial discussions with American Sugar Refining, Inc. in order to understand ASR's specific concerns. SFC will continue to monitor its operation as necessary. In addition, all of the comments raised by American Sugar Refining, Inc. have been addressed in this FEIS.

Comment III.A-27:

Why isn't the City Council negotiating a real park downtown? New York City only allows Trump to build his enormous residential towers along the West Side Highway after he agreed to a 28 acre public park. Why are we not requiring similar quid pro quo? Why do we need this much additional space, shopping space, when we already have the Cross County Mall and the malls on Central Avenue and will soon have Ridge Hill?

(Michelle Jacobs, Resident, Public Hearing, 5/13/2008, Page 35)

Response III.A-27:

The Council believes that the publicly accessible open space in the downtown and along the waterfront and public plazas created through this Project will enhance downtown Yonkers. Additional opportunities for park areas will be pursued as part of future redevelopment efforts. Descriptions of open space that will be created as part of, and in conjunction with, this Project can be found in Chapter III.J of the DEIS as well as in Chapter I of this FEIS and include the Riverwalk, the Hudson River esplanade, and Larkin Plaza which, in the Applicant's opinion will be major attractions. The programming of the publically accessible open space will take place with continued input from the City, including the City's Parks and Recreation Department. The addition of retail space to the downtown forwards the City's vision of creating a more mixed-use downtown for the City of Yonkers.

Comment III.A-28:

Why are we rushing into this when Ridge Hill has yet to be completed and prove itself? What will the ballfield be used for in addition to baseball, and will people really want to live adjacent to a structure that is a source of that kind of noise?

(Michelle Jacobs, Resident, Public Hearing, 5/13/2008, Page 35-36)

Response III.A-28:

The Applicant's market analyses have shown that there is a market for the commercial and residential uses proposed. In addition to league baseball games, the field can be scheduled for various uses, including soccer, little league, high school baseball, concerts, festivals, etc. Also see Responses III.A-23, III.J-12, III.J-51.

Comment III.A-29:

Why has there been at the start an agreement with the developers that gives them and not the city the right to call the shots? We didn't elect the developers. There is no reason why Yonkers should hand over its destiny to one developer or to a consortium of developers. If we are planning modernization, our watchword should be caution, not haste. Put on the brakes.

(Barrymore Scherer, Public Hearing, 5/13/2008, Page 41)

Response III.A-29:

Comment noted. In 2006, the Council unanimously approved a Master Developer Designating Agreement (MDDA) that gave SFC the right to redevelop, with community input, and input from the City, a portion of downtown Yonkers.

Comment III.A-30:

We already have the accepted Master Plan at 1998, which called for a very different kind of development, much lower in height, much more sympathetic to Yonkers attractive character. The City Council is being asked to amend that master plan in this DEIS. And the Council does have the power to refuse to do so. Use that power of refusal. Proceed with caution.

(Barrymore Scherer, Public Hearing, 5/13/2008, Page 46)

Response III.A-30:

Comment noted. The 1998 Plan focused on the waterfront, and did not concern inland areas, such the Cacace Center or River Park Center sites. See response III.A-23.

Comment III.A-31:

The Chicken Island development calls for expansion of the footprint to include territory from New Main Street to Palisade Avenue. Instead of turning this into an absurd shopping hangout/ballpark, traffic nightmare, what about turning this central piece of land into Yonkers own State University campus? That way, smart development could contribute to generations of smart graduates. Thank you.

(Barrymore Scherer, Public Hearing, 5/13/2008, Page 46-47)

Response III.A-31:

Comment noted. Chapter V of the DEIS addressed several different alternatives to the current Project. In addition, the Council notes that there is an effort underway to advocate for the opening of a State University campus in Yonkers. The Applicant has indicated that space from the current Project can be used for such a use should the State University decide to open such a campus.

Comment III.A-32:

If anyone thinks a ballpark and the stores are eyesores. They should see Chicken Island. Go there a half hour after dark and see people urinating there and all sorts of activities. This is from the

bottom of my heart, we need this done. We have proven developers here that proved themselves in White Plains, New Rochelle and all throughout this state, Boston, Texas. I think it should be done now, let's build it now. Thank you.

(Anthony Leo, Resident, Public Hearing, 5/13/2008, Page 54-55)

Response III.A-32:

Comment noted.

Comment III.A-33:

I don't mind the development coming in, but I think you have to take into consideration the church, an Afro-American church that has been here for 116 years should not be played with, because that is the man upstairs, and he is not going to allow it, so look at that plan. Bring in that small scale so we can see where my church, Mount Carmel is going to be when all this River Park Center is being built.

(Ginger Keys, Resident, Public Hearing, 5/13/2008, Page 56)

Response III.A-33:

The Applicant has been in discussions with the Mount Carmel Baptist Church regarding the purchase of a portion of the existing parking lot in exchange for increased, indoor accessible parking or other consideration. The Applicant's plan does not call for the disturbance of the church or its rectory. The Applicant remains committed to working with the Church community to arrive at a solution that is embraced by the Mount Carmel Baptist Church members. A meeting occurred on September 16, 2008 with the Applicant with the Kingdom Baptist Church during which parking needs and how they could be served at River Park Center was discussed. It was noted that sufficient parking will be available in the River Park Center garage, but that arrangements for church use would be addressed by the Yonkers Parking Authority which will operate the parking facility..

Comment III.A-34:

To have a land use that is fair and would minimize a lot of anguish out there, but the request for zoning amendments by SFC are major changes that don't project any kind of holistic approach or philosophy, and therefore not balanced.

(Barbara Howard, Public Hearing, 5/13/2008, Page 57)

Response III.A-34:

Comment noted. See Responses III.A-4, III.A-5, III.A-23.

Comment III.A-35:

They want to change the lot coverage from 90 percent to a hundred percent. That means there will be no more setbacks from these buildings that could be right next to each other. How do you

service buildings without trampling on the public easement with that? Setbacks have always been an integral part of the zoning plan for safety and many other reasons.

(Barbara Howard, Public Hearing, 5/13/2008, Page 57-58)

Response III.A-35:

Comment noted. The zoning changes proposed as part of this Project would still be protective of the public's health and welfare. The buildings will have built-in service loading areas to accommodate servicing of the buildings without excessive burden being placed on public thoroughfares. Each site plan has area set aside as publicly accessible open space.

Comment III.A-36:

The DEIS refers to a Map Six and Patterns for Westchester and cites a recommended FAR of 6.4, and a gross residential density of 205 units per acre respectively. In this plan there is actually a range, and the range goes from 1.6 FAR to 6.4 FAR, and 51 units to 205 units per acre. SFC only used the highest end of that range, but even at that they misstate the proposed density. If you look at it this way, they have 950 units they are proposing at River Park Center in those two buildings. That is 475 per, like ten units to a floor at 1200 feet each gives you 12,000 square feet per floor, and that's going to be on a hundred percent build-out lot of 12,000 feet, so that means you have a FAR of one per floor. That means you have a FAR of 50 and not six as stated in the report, all right. It also -- that is a pretty high FAR, six to begin with but it's not six, it's 50. They spread it out over the ten acres or something. Also you are getting a gross residential density of 1,900 units per acre, not the 72 that they are suggesting in their report.

(Barbara Howard, Public Hearing, 5/13/2008, Page 59-60)

Response III.A-36:

The maximum FAR that is recommended by Patterns for Westchester, a county planning document that is not binding on the City, is presented for various sites within the Project Area. The FAR that is calculated in Chapter III.A of the DEIS is accurate. FAR is calculated as the total floor area of all buildings on one site divided by the total area of the site. FAR is not a measure of the number of floors in a building, rather it is a measure of bulk and density that is aggregated for an entire site.

Comment III.A-37:

By approving this amendment, you are also going to allow as many 50 story buildings that can possibly fit on this ten acres without sinking, because it is not per owner and it's not per parcel, it's for the whole ten acres.

(Barbara Howard, Public Hearing, 5/13/2008, Page 60)

Response III.A-37:

The construction of any component of the project is subject to Site Plan Approval. Once a site plan is approved, the Applicant may only build in accordance with the approved site plan. As part of the SEQRA process, the Council will adopt findings which contain specific details concerning the scope of the project (i.e., the number of towers) and only site plans in

conformance with those findings will be approved. The proposed modifications to the use and dimensional regulations of the zoning ordinance are intended to specifically permit the broad range of uses proposed for River Park Center, including, most importantly, residences, which are not currently permitted in the CB District, and to permit buildings up to 525 feet high, excluding rooftop mechanicals, on sites in the CB District having at least 10 acres, and buildings 220 feet high on sites in the GC District having at least 4 acres, in both districts without a required rear yard setback and at a maximum coverage of 100%. Maximum floor area ratio (FAR) in the CB District is also proposed to be increased from 5.0 to 6.0.

Comment III.A-38:

Let's not forget about the sweeping zoning change proposed for Palisades Point, and I will quote, "No use or dimensional regulations of the Zoning Ordinance applies to a PUR. Whatever is built shall be considered to be conforming under all provisions." You can see that on page 3A-22. It is kind of hard to find a redeeming philosophy in that kind of proposal. No zoning will apply to what is built on parcels H and I. We don't need zoning if you go for that.

(Barbara Howard, Public Hearing, 5/13/2008, Page 60)

Response III.A-38:

The PUR procedure allows the City to devise lot and bulk controls on a site-specific basis as part of a deliberative process that includes the DEIS and this FEIS. Also see Response III.A-9.

Comment III.A-39:

The [Mount Carmel] church remained. I think you can build the buildings tall and make sure that that beacon of that church remains so that the community can still have it.

(Mike Romandelli, Public Hearing, 5/13/2008, Page 78-79)

Response III.A-39:

Comment noted. Regarding the Mount Carmel Church, see Response III.A-33.

Comment III.A-40:

It will give Yonkers its own ballpark. This will be a great source of entertainment and again revenue.

(Justin Tubiolo, Resident, Public Hearing, 5/13/2008, Page 84)

Response III.A-40:

Comment noted.

Comment III.A-41:

People come and they rally against tall buildings. Something has to be said in support of tall buildings because every minute, every minute this country loses one acre of land due to sprawl, due to urban sprawl. That is for schools, roads and whatnot, one acre every minute. The solution for that is to redevelop, take land that has already been developed as we are doing now. We are redeveloping now and yes, increase density in clusters that we are doing now, tall buildings, because then you reduce sprawl, you reverse it. It's in the minus, so this is a very mature plan. It's environmentally sound and I think we are going forward. Thank you.

(Gus Nathan, Development Liaison, Yonkers Chamber of Commerce, Public Hearing, 5/13/2008, Page 93-94)

Response III.A-41:

Comment noted.

Comment III.A-42:

I think what will eventually resolve itself after all this conversation is somewhere in the middle in fact is a project that will bring economic benefit to the city, enhance its cultural life, enhance the downtown, but doesn't have to be just quite so big, and one of the objects of studying the DEIS at this point is to make a determination on whether or not the project can be somewhat scaled back, somewhat more in proportion to what we have here in the city architecturally, and in terms of its topography. This isn't White Plains where we have ample space for big wide one-way four-lane streets. We are constrained by some very odd topography between the river, the Metro North and the bluff, and we really have to think about this when we are building this.

(Terry Joshi, Yonkers Green Policy Task Force, Public Hearing, 5/13/2008, Page 101-102)

Response III.A-42:

Comment noted.

Comment III.A-43:

While some concerned citizens would like the number of stories reduced, I feel having a few high-rise towers makes good business sense not only for the developer, but more importantly for the businesses that have patiently been waiting for a customer base for their businesses. The key word is a few apartment towers on the waterfront. I am just going to mention I am not in favor of that proposed 18 apartment towers suggested by the Alexander Street Master Plan. Hopefully that plan will be rejected or redesigned as it's unimaginative and can only be described as a mini Co-Op City.

(John Larkin, Representative, Nepera Park Grey Oaks Neighborhood Association, Public Hearing, 5/13/2008, Page 119-120)

Response III.A-43:

Comment noted. The proposed Alexander Street Urban Renewal Plan and Alexander Street Master Plan are not part of the Proposed Project. The Alexander Street projects are being separately evaluated by the Yonkers Community Development Agency.

Comment III.A-44:

River Park Center. The concept of combining residential, retail and the ballpark in one development area has changed my mind and our Board's mind on the original opposition to the ballpark concept.

(John Larkin, Representative, Nepera Park Grey Oaks Neighborhood Association, Public Hearing, 5/13/2008, Page 120)

Response III.A-44:

Comment noted.

Comment III.A-45:

I am a boat owner. I go up and down the Hudson. The only thing I don't see in this project that I would like to see is possibly some slips where the boats can come in and pull up to these stores and spend some money.

(Thomas Carey, Representative, Plumbers & Steam Fitters Local 21, Public Hearing, 5/13/2008, Page 138)

Response III.A-45:

While not included at Palisades Point, the current proposal by the CDA for the northerly portion of the Yonkers' waterfront incorporates boat slips and moorings at Alexander Street and the JFK Marina. The project includes a proposed trolley system linking the different project areas including the waterfront to the retail opportunities.

Comment III.A-46:

The waterfront development plan that was produced, I guess in 1998, was a community based plan. We developed a plan with lots of community input to say this is what we like to see in our city with the assumption that developers would come along and implement it. This is a little bit different. This is what the developer sees for the City.

(Greg Arcaro, Executive Director, Community Planning Council of Yonkers, Public Hearing, 5/13/2008, Page 177)

Response III.A-46:

The current proposal was developed in response to current market conditions. The development of the proposed plan incorporates ideas from over 40 public meetings conducted by the Applicant.

Comment III.A-47:

I think that the people that I speak to in the restaurants downtown, some of these young people who moved in by the water, they tell me they have tried Yonkers, they are leaving Yonkers. They didn't tell me they are leaving Yonkers because there is not enough shopping malls in Yonkers. The reason why they are leaving Yonkers is, and this goes to the DEIS because I find that it's missing this, they are leaving Yonkers because there is no theaters downtown. There are not enough restaurants. It's not that the restaurants -- the restaurants in Yonkers are doing well; there are not enough of them. You know, you can't get reservations at Zuppa's or Bell Havana.

(Rona Shapiro, Resident, Public Hearing, 5/13/2008, Page 181-182)

Response III.A-47:

Comment noted.

Comment III.A-48:

I don't want big buildings, big tall buildings on the waterfront. I absolutely do not want 25 story buildings. We may have them, but when the DEIS compares the alternatives, they do not give enough credit between their proposal and the amount of green space that it needs and the number of residents. Therefore, the amount of green space per resident, and the 1998 master plan which called basically for Parcel J to be the green space at 196,000 square feet but only 256 units of apartment. The real justification for higher buildings and higher density is to increase profits. We need an analysis that covers the respective profit margins of lower buildings, lower density versus higher buildings, higher density, and find out what is equitable, what is truly necessary.

(Gail Averill, President, Park Hill Land Conservancy, Inc., Public Hearing, 5/13/2008, Page 186-187)

Response III.A-48:

Comment noted. Chapter V of the DEIS examined the impacts of a building program in conformance with the 1998 Waterfront Master Plan. Although more residential units will potentially generate more income for the Applicant, this has to be balanced with the project costs as well as the publicly accessible open space, the entertainment and the economic benefits that come with the project as proposed.

Comment III.A-49:

These towers also create a precedent for an ultimate wall of towers along our waterfront which will, among other things, create permanent shadows over both the river and the adjoining neighborhoods.

(Gail Averill, President, Park Hill Land Conservancy, Inc., Public Hearing, 5/13/2008, Page 188)

Response III.A-49:

Comment noted. The shadow impacts from the Palisades Point development are detailed in Chapter III.B of the DEIS. As shown in DEIS Exhibits III.3-a through d and discussed in DEIS Table III-3.4, surrounding properties will receive shadows from Palisades Point for brief periods

of the day as the sun sweeps east to west. The Palisades Point towers will not block light and air from nearby residents. See also Response III.C-13.

Comment III.A-50:

Further, the development requires drastic amendments to the downtown waterfront master plan, amendments that residents have unequivocally opposed, and I might add have attracted the existing development down to the City waterfront.

(Jeff Anzevino, Senior Regional Planner, Scenic Hudson, Public Hearing, 5/13/2008, Page 209)

Response III.A-50:

The Council will deliberate on each of the zoning, urban renewal and waterfront plan amendments. See Responses III.A-4, III.A-23.

Comment III.A-51:

Scenic Hudson supports the existing provisions of the 1998 downtown waterfront master plan which was instrumental in the redevelopment of the area around the Yonkers recreation pier. The plan promotes small scale, yet urban residential atmosphere, low-rise high coverage development, on-street parking, enhanced development with a variety of water related uses, a variety of interconnected public spaces, visual connections from downtown through to the Palisades, and retention of existing water edges and bulkheads wherever possible.

(Jeff Anzevino, Senior Regional Planner, Scenic Hudson, Public Hearing, 5/13/2008, Page 212-213)

Response III.A-51:

Comment noted.

Comment III.A-52:

I have a few questions for the DEIS. I have always been against high-rise buildings on the waterfront. I think they should be in scale to the river, you know, the conservation easement that Scenic Hudson negotiated years ago talked about eight story buildings. We have gone to 12 and 14, but my question is, why do we have to go to 25 story buildings? In H and I, the 1998 master plan, you know, talked about low-rise buildings on the waterfront. It was community inputted. Why has that changed?

(Robert Walters, Yonkers Green Policy Task Force, Public Hearing, 5/13/2008, Page 216)

Response III.A-52:

The Applicant's proposal is consistent with proposals for the Alexander Street waterfront, which in its latest iteration contemplated buildings as high as 30 stories. It brings taller buildings, but with additional open space that will be considered by the Council. It is the Applicant's understanding that Scenic Hudson agreed to a modified building height for other waterfront development (e.g., Hudson Park). Further, as noted in Exhibit II-18 in this FEIS, a visual

depiction has been prepared which includes the Proposed Action as well as conceptually planned, but as of yet not proposed, development program to the north. For details regarding the Scenic Hudson Easement, see Response III.J-25 and Exhibit III-3 of this FEIS. See also Responses III.A-4, III.A-23.

Comment III.A-53:

You know, the cost of developing Parcel A, it can be broken out separately. I think that's important to have.

(Robert Walters, Yonkers Green Policy Task Force, Public Hearing, 5/13/2008, Page 216-217)

Response III.A-53:

There is no 'Parcel A' that is being proposed to be developed. Also see Response III.A-10.

Comment III.A-54:

And a few speakers mentioned the previous master plan, I guess, which is still current, and we should be using our, I guess, the way the developers come in, they should be using our plan but they are not. They are coming in with their own plans, and their own plans are way out of scale from what our current master plan for the waterfront was, which was about two to eight story buildings, and that's what we currently have on the books. I think Mr. Arcaro mentioned that too, and so this should be where it is, so this development here is way out of scale, so that wasn't in the DEIS, it doesn't mention that.

(Joseph Kozlowski, Board Member, Friends of the Old Croton Aqueduct, Public Hearing, 5/13/2008, Page 250-251)

Response III.A-54:

Comment noted. However, this issue was discussed in the DEIS and will be subject of deliberation by the Council as it considers project approvals, including amendments to the 1998 Plan. See also Response III.A-200.

Comment III.A-55:

I cannot find any renderings, elevations, height information etc. on the proposed Palisades Avenue office building other than it will contain 436 parking spaces, 10,000 SF of Retail and 225,000 SF of Office space. Given the volume of pages in the DEIS I might have missed it. However, since it is on a separate parcel of land across from the River Park Center the DEIS should at a minimum address the building's overall height and massing, etc. From the floor plans provided in the DEIS, the building has 13 stories of parking garage before the first floor of office space is available: is this correct? Without more information it is impossible to know if there are any significant impacts.

(Sharon Ebert, Deputy Commissioner of Planning and Development, City of Yonkers, E-mail, 5/22/2008)

Response III.A-55:

Detailed plans and renderings will be provided as part of the Site Plan approval process. The Palisade Avenue Office Building, located to the north across Palisade Avenue from River Park Center, would have a maximum height of nine stories, or 125 feet. The building includes approximately 10,000 square feet of street level retail, 225,000 sf of offices on seven levels that are located on top of a 435-space, six-level, public parking structure (the first level of parking is located below grade). The parking facility would serve both the on-site office uses and provide overflow parking for the ballpark. See also Response III.A-20.

Comment III.A-56:

The same comment can be made for the office building on the River Park Parcel that is located on the northeast corner next to the church property.

(Sharon Ebert, Deputy Commissioner of Planning and Development, City of Yonkers, E-mail, 5/22/2008)

Response III.A-56:

Renderings will be included as part of the Site Plan Approval process. See Responses III.A-20, III.A-55.

Comment III.A-57:

The residential market analysis provided in the DEIS for these two residential towers does not address sufficiently the need for 950 rental units in the downtown area (i.e., how will renting up these units compete with other rental units that will be coming on line along the waterfront)?

(Sharon Ebert, Deputy Commissioner of Planning and Development, City of Yonkers, E-mail, 5/22/2008)

Response III.A-57:

Appendix C of the TIF Feasibility Study and Preliminary Plan for Municipal Redevelopment (DEIS Appendix 1.F) provides an analysis of the residential rental market in southwest Westchester County. Vacancy rates at competitive rental projects range from zero to nine percent, indicating a very healthy rental market. In Yonkers, the Hudson Terrace Apartments have zero vacancy and achieve rents of \$1,600 to \$1,800 per month. While competition is to be expected, the market analyses indicate that there is room for growth in the market for residential rentals in Yonkers.

Comment III.A-58:

If residential density is needed at the downtown area, another alternative should be considered in lieu of these two towers. I would recommend cutting the two towers in half (25 stories max.) and consider locating the residential units in the two unknown office building locations discussed in my # 1 and #2 comments, thus maintain the residential density needed to support the retail, but reducing the office space.

(Sharon Ebert, Deputy Commissioner of Planning and Development, City of Yonkers, E-mail, 5/22/2008)

Response III.A-58:

The Applicant has proposed a comprehensive mixed use project for the Riverpark Center site. This includes a mix of residential, office, retail and entertainment uses. The proposed office buildings contemplated as part of River Park Center are anticipated to provide a broader mix of employment opportunities to complement the overall project. Eliminating the office component to accommodate lower scale residential alternative discussed above would preclude the creation of approximately 1,900 FTE jobs and the potential generation of a proportional amount of real estate tax revenue. Further, as was raised during the public input portion of the planning for River Park Center, eliminating the office component precludes the opportunity to potentially incorporate a future SUNY Yonkers campus at this location. In the Applicant's opinion, the creation of jobs and tax revenue should take precedent with respect to the configuration of the residential component at River Park Center.

.Comment III.A-59:

There should be a more graduated approach to the river allowing for a more human scale to the waterfront directly. The larger and taller buildings should be further up towards the main roads they would still have wonderful views and the waterfront could be a true meeting place for many people instead of an isolated few.

(Paul Cecere, E-mail, 5/30/2008)

Response III.A-59:

The Applicant believes that Palisades Point includes many elements that will be experienced by those at ground level including the expansion of the existing Sculpture Garden, extending the waterfront esplanade by over 500 linear feet and incorporating 57 public on-street parking spaces to encourage public access and use of the waterfront by all. In addition, taller buildings are proposed inland at River Park Center. The buildings at Palisades Point include at the ground level of the esplanade, low-rise 5 story buildings with commercial and offices, which directly address the publicly accessible open space.

Comment III.A-60:

Do not approve the 25 story towers at Palisades Point for the following reasons:

- property and lives of residents placed in jeopardy due to flooding caused by rising sea levels caused by global warming/climate change...possibility of law suits (city cannot plead ignorance of scientists predicting coastal flooding every 10 yrs. for next century)
- poor quality of life for residents b/c towers too close to Sugar Co. which cause noise, dust pollution
- 1998 Downtown Waterfront Master Plan: No buildings over 8 floors, architecture should reflect Hudson Valley Rivertown features, should blend with landscape, not overshadow it.

(Terry Nagai, Resident, E-mail, 5/30/2008)

Response III.A-60:

Comments noted. Chapter III.C of the DEIS discusses the possibility of flooding at the Palisades Point site. As noted, all habitable spaces will be placed above the level of the 100 year flood elevation. Mitigation for the effects of the Sugar Plant on the proposed development at Palisades Point are described throughout the DEIS and this FEIS, most notably in Chapters III A, F, and G of the DEIS and this FEIS. For a discussion of the waterfront plan, see Responses III.A-4, III.A-23.

Comment III.A-61:

Furthermore, I am opposed to any development of the downtown area that includes structures over 12 stories tall. The riverfront and the downtown area should maintain a "human" scale, in keeping with the suburban landscape of the area.

(Karen Lorence, Resident, E-mail, 5/30/2008)

Response III.A-61:

Comment noted.

Comment III.A-62:

I feel that two 25 story buildings are oversized for the site, which is actually quite small, and need to be scaled down to either A. two 12 story buildings, the same height as Scrimshaw house, or B. one 25 story building , built as far onto the south end of the property as possible. The obligatory parking garage would be next to the RR tracks, fronted by townhouses. The sculpture garden must stay in its entirety, with a nice wide promenade. The smaller number of apartments will reduce the size of garage also. A reasonable number of dedicated, ground level metered parking spaces for park visitors must be included.

(Toni Van Loan, E-mail, 5/30/2008)

Response III.A-62:

Comment noted. It should also be noted that a public promenade along the Hudson River will be constructed as part of the Project and the existing sculpture garden will also remain. Finally, ground level parking spaces will be provided for visitors to the waterfront. Also see Responses III.A-3, III.A-4, III.A-5.

Comment III.A-63:

As for the main "Chicken Island" project, I would chiefly favor cutting the size if the towers down to 35 floors [above the large parking /mall structure]. I am OK with the ballpark, and absolutely think a hotel opposite City Hall is a great idea.

(Toni Van Loan, E-mail, 5/30/2008)

Response III.A-63:

Comment noted.

Comment III.A-64:

Please document chain of ownership of Lots H & I on the waterfront from ownership by Andrus in late 19th century through the present, i.e., deeds, sales/transfers, etc. From whom did the city of Yonkers buy the land so as to transfer ownership to CDA, whom I believe is the current owner and who would ultimately transfer deeded rights to developers?

(Joan Jennings, E-mail, 5/30/2008)

Response III.A-64:

Parcels H and I (the Palisades Point site) were acquired by the Yonkers Community Development Agency in 1985 through the exercise of eminent domain. The Community Development Agency is the current owner. A full documentation of the chain of ownership of Parcels H and I is outside the scope of SEQRA.

Comment III.A-65:

Nonetheless I have major anxiety about the mall, ballfield and towers planned for that site. I would absolutely love a minor league ball team in Yonkers but I don't really understand how that field will fit into this site. In addition it will increase traffic and parking will be problematic.

(Amy Litt, Resident, E-mail, 5/29/2008)

Response III.A-65:

The ballfield fits in with the City's vision of creating a more mixed-use and vibrant downtown area and will be situated atop the podium at River Park Center. The development will increase traffic levels and create new demands for parking. Chapters III.E and III.E.1 of the DEIS provide a discussion of those impacts as well as the measures that will be implemented to mitigate those impacts.

Comment III.A-66:

This also goes for the towers by the river - smaller please. Don't risk empty apartments! That would be an absolute disaster. Why do we think so many hundreds of families will be looking for places to live when the market is so bad?

(Amy Litt, Resident, E-mail, 5/29/2008)

Response III.A-66:

Comment noted.

Comment III.A-67:

Why do we need a baseball field? Why do we need another mall and such a huge one? If the ballfield is used for other events (concerts, etc.) who will want to be in apartments with such close proximity to that level of noise?

(Michelle Jacobs, Resident, E-mail, 5/29/2008)

Response III.A-67:

There are a number of locations throughout the nation where ballparks and residential towers co-exist in vibrant downtown locations. Several of these are major league facilities that attract much larger crowds and have more home games than the minor league facility planned for the subject site. For a discussion of the retail market analyses and the benefits of building the ballfield, see Responses III.A-5, III.A-27, III.A-28.

Comment III.A-68:

The SFC Chicken Island and properties H&I are proposals for buildings that are totally out of scale with their surroundings; in the majority of the material proposed, the heights of the buildings are not shown; the City Council should have a 3-D to scale model on public view that includes the current architecture so they can see how truly inappropriate the SFC development would be -why are we letting the developers decide what our city looks like? Why aren't we giving them a plan that is in keeping with the city and let the developers bid? The city council has the 1998 Master Plan that was voted on and accepted. Why aren't we sticking to that plan?

(Michelle Jacobs, Resident, E-mail, 5/29/2008)

Response III.A-68:

The City's plan for the Waterfront Plan and the zoning for Chicken Island are proposed to be amended. The Council will consider these proposals with reference to existing plans and ordinances. See Responses GA-32, III.A-4, III.A-5, III.A-23.

Comment III.A-69:

In looking towards Yonkers' future, please keep in mind the lovely suburban appeal that has always existed in this city. Destroying the natural amenities and old charm of our city through overdevelopment will eventually benefit nobody other than the developers. Yonkers needs to lure stable businesses such as corporations, law offices, accounting, etc. if it wants to remain viable. We will have more malls than shoppers if Yonkers continues the path it is following. In particular, Yonkers needs to be respectful of our greatest asset of all - the Hudson River. It is a tremendous opportunity to prove ourselves thoughtful and protective of our great river versus taking actions that could prove mercenary and destructive.

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, E-mail, 5/29/2008)

Response III.A-69:

Comment noted. The plan includes hospitality, office and entertainment uses as well as retail.

Comment III.A-70:

As owners of an apartment at the Scrimshaw, 23 Water Grant Street, we strongly disagree with the overall height and size of the proposed Palisades Point complex, part of SFC's Phase 1 proposal that is now before the City Council. The complex is oversized and overpowering for the area and will negatively impact its surrounding area.

(Seymour Mintzer, E-mail, 5/30/2008)

Response III.A-70:

Comment noted. The Applicant does not agree with this opinion. The impacts of the Project have been addressed in the DEIS and this FEIS.

Comment III.A-71:

We are completely in favor of the idea of developing downtown Yonkers. However, this particular proposal is ugly, excessive and improves nothing. The proposal is too complicated to review sensibly. The three projects should be discussed separately (Ballpark building, Cacace Center and Palisades Point) and the finances dealt with separately.

(Chris & Geraldine Canty, E-mail, 5/30/2008)

Response III.A-71:

See Response III.A-10.

Comment III.A-72:

The ballpark building with two high-rises and a token piece of open space thru the daylighting of the river is probably far too big - who will want to rent there? What anchor tenants do they have? Who needs a commercial ballpark? Yonkers should provide for kids to play ball, not watch ball. Who needs a commercial ballpark in the heart of a congested city with no easy road access? If the mayor wants a ballpark put it by the racetrack.

(Chris & Geraldine Canty, E-mail, 5/30/2008)

Response III.A-72:

See Responses III.A-27, III.A-28, III.A-65, III.A-67.

Comment III.A-73:

The Cacace Center is unbelievably ugly. What's wrong with building in keeping with City Hall and the elegance of former days? Who will rent there apart from the City?

(Chris & Geraldine Canty, E-mail, 5/30/2008)

Response III.A-73:

Comment noted. Only a portion of the office space that will be built at the Cacace Center will be rented by the City of Yonkers. The balance of the space will likely be rented by private organizations and companies.

Comment III.A-74:

Palisades Point is even worse - let's build to enhance the waterfront not fill it full of supersized glass towers. And we need real open space by the water - not just roads and token parkland. What community consultation was done during the development of these ideas? Presentations by the developers are not the same as genuine consultation.

(Chris & Geraldine Canty, E-mail, 5/30/2008)

Response III.A-74:

Comment noted. The Project will create publicly accessible open space along the waterfront, including the creation of a Hudson River promenade. The publicly accessible open space includes 136,000 square feet, which is approximately 50% of the site area of Palisades H&I. See Chapter III.J of the DEIS for a discussion on the impact that the Project will have on open space. See Response III.A-23.

Comment III.A-75:

What is the current height and density [of the waterfront] area.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-75:

The Schrimshaw House immediately to the north of Palisades Point is 11 stories tall (120 feet) and contains 134 units. The currently completed Hudson Park South, immediately to the South of the City Pier, is 9 stories tall and contains 266 units. Hudson Park North, currently under construction to the north of the City Pier, is 14 stories tall and contains 312 units. The Scenic Hudson Easement Agreement permits buildings up to 250 feet high at Palisades Point.

Comment III.A-76:

The proposed amendments to the CB and GC [zoning districts] were briefly outlined, how will this affect the City as whole?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-76:

The amendments to the CB and GC zoning districts will only affect those districts, which are located in downtown Yonkers. Those zoning amendments will not affect any other zoning district.

Comment III.A-77:

Since SFC is not going to make improvements at Larkin Plaza, does that mean that we can call upon another developer to take on this task?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-77:

As discussed in the DEIS, the Applicant is not responsible for undertaking the improvements at Larkin Plaza; those improvements are the responsibility of the City. How the City chooses to implement those improvements, is a decision that will be made by the City and not the Applicant. However, the Applicant and the City are still bound by the conditions of the Master Developer Designation Agreement (MDDA).

Comment III.A-78:

Does the designation of the PUR district have to do with height and square footage? Can those numbers be changed?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-78:

Developing Palisades Point as a PUR, a specially permitted use in urban renewal areas, requires the approval of the Yonkers Planning Board and Yonkers City Council. In a PUR, the developer, in consultation with the Planning Board and the City Council, develop a single, coherent development plan for the area that may not conform to existing zoning. However, the specific conditions of the special permit issued by the Planning Board and City Council will specify the allowable dimensional requirements for the development.

Comment III.A-79:

I am not receptive to modifying off-street parking and building height requirements for River Park Center and the Cacace Center. What are they now and what are you proposing?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-79:

Tables III.A-6 and III.A-7 of the DEIS (page III.A-23) detail the existing and proposed requirements for building height and off-street parking in the CB and GC Districts. See Table below.

	Existing	Proposed
CB Building Height	50'	525'
GC Building Height	100'	220'
Parking		
▪ Personal Service	1:200 s.f.	1:350 s.f
▪ Office	1:300 s.f.	1:500 s.f
▪ Retail	1:200 s.f	1:350 s.f
▪ Apartments	1/d.u. + 0.33/b.r.	1/d.u.
▪ Hotel	0.75/room + accessory	0.75/room
▪ Restaurant	1:100 s.f.	1:150 s.f
▪ Health Clubs	1:200	1:350 s.f

Comment III.A-80:

Please explain in more detail how and why the Getty Square Urban Renewal Plan needs to be modified in terms of the allowable floor area ratios and building coverage to make it conform to the current Zoning Ordinance.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-80:

The Getty Square Urban Renewal Plan was last modified in 1978. Updates to the plan are necessary to accommodate redevelopment of the area. Those changes include changing the proposed development areas, allowing for a more mixed-use development, increasing the allowable FAR from 5.0 to 6.0, increasing the maximum building coverage, and modifying the off-street parking requirements. Details of the proposed modifications can be found on Page III.A-25 of the DEIS and Appendix I.D of the DEIS.

Comment III.A-81:

Can you provide this council with an alternative proposal in terms of the height of the Palisades Point development since the community is not in favor of the proposed heights.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-81:

Chapter V of the DEIS analyzes alternate configurations of the Palisades Point site, including differing building heights.

Comment III.A-82:

The health center is currently next to the Veteran's office, which will be relocated to Nepperhan Avenue. I would like to see the two agencies be placed at the same site, on the first floor if possible. In order for the Veterans to commute to the 2 facilities, I would like to see that bus stops at or closely located near this new proposed site.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-82:

The Applicant will make every effort to address this proposal. It will work with the Veteran's offices to determine the best location for the agency in proximity to other service providers. (Please note that at the present time the Veteran's office lease has expired with the City.) Additionally, the Applicant is working with Westchester County on all bus stop-related issues so the redevelopment is incorporated into the County's plans.

Comment III.A-83:

I would like to see a lot of green space (grassy) surrounding the walkways and buildings at the office/hotel at the Cacace Center.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-83:

As shown in Exhibit II-12 of the DEIS, there will be a mix of softscape (grass) and hardscape around the office/hotel at the Cacace Center. In addition, shade trees will also be planted along the walkways to improve the pedestrian environment.

Comment III.A-84:

What about the smell, and the noise of the Sugar Factory, how will that affect the residents living at the new proposed site?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-84:

Chapters III.F and III.G of the DEIS and this FEIS address noise and air quality impacts from the sugar refinery.

Comment III.A-85:

In the description of current land uses surrounding the River Park Center and Cacace Center sites, there is no mention of Churches and there must be at least 50 in the area. I would like for them to be identified.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-85:

Exhibit II-17 of this FEIS contains a list of religious institutions in the area surrounding River Park Center as well as a map showing their locations.

Comment III.A-86:

In table III.A-2, Permitted Uses in Zoning Districts, there is no mention of Churches or senior centers/homes.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-86:

Places of worship and senior center apartments are not currently permitted uses in the CB, GC, or DW Districts.

Comment III.A-87:

I would like a clear understanding of the Scenic Hudson law case against the City of Yonkers. Please provide the original and the amended version to each council member, and Civic groups such as Green Task Force, HRCA etc.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-87:

Comment noted. The Applicant is not aware of any lawsuit between Scenic Hudson and the City with regard to the Project. For an illustration of the easement, see Exhibit III-3 of this FEIS; for a further discussion of the easement, see Response III.J-25.

Comment III.A-88:

Are our plans consistent with what is outlined by Westchester County Planning Board (Patterns for Westchester), currently?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-88:

The proposed Project is consistent with the County's Patterns plan in terms of floor area ratio and density of development. It is also consistent with the Patterns recommendation for mixed-use redevelopment in "Major Centers." See page III.A-26 of the DEIS.

Comment III.A-89:

Please provide me with the model or computer generated model so that we as a council can have a clear understanding of ALL of the projects being proposed for the downtown waterfront area, from Ludlow to JFK from the pier to Riverfront Plaza (Getty Square).

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-89:

As illustrated on Exhibit II-18 in this FEIS, a visual depiction has been prepared which includes the Proposed Action as well as conceptually planned, but as of yet not proposed, development program to the north.

See also Response LA-35.

Comment III.A-90:

Why is this study [Local Waterfront Revitalization Plan (LWRP)] not completed and when do we anticipate it being completed. Currently is SFC working with the draft and if not why not?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-90:

The City expects the LWRP process to be reactivated this summer with a revised document expected for review by the end of the year. The Applicant considered the draft in its land use analysis of the Project contained in Chapter III.A of the DEIS. In addition, the Applicant responded to all 44 of the State's Coastal Policies in Appendix F of this FEIS.

Comment III.A-91:

I would like to see a mapping and computer generated model of the other projects under development in downtown Yonkers.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-91:

A scale model of the SFC project and surrounding area prepared by the Applicant has been utilized at Council meetings. A separate computer model of the City's proposed Alexander Street urban renewal plan has been prepared by the City's consultants to assist with the City's continuing review of that proposal but is not connected to the Proposed Project. Since the Alexander Street urban renewal plan has not yet been approved and is only conceptual, incorporating it into the model of the Project could be misleading because Alexander Street's computer model is a massing study only and may not be representative of site-specific plans to be submitted for development projects at a to-be-determined future date. The Alexander Street planning process discusses a 10-20 year timeline for redevelopment of the corridor and there could be significant changes to the projects to be eventually constructed. As discussed in Response LA-35, the Applicant has prepared a visual depiction which includes the Proposed Action as well as the conceptually planned, but as of yet not proposed, development program to the north. The illustration is included as Exhibit II-18 of this FEIS.

The visual analysis presented in the DEIS includes a comprehensive set of color illustrations, perspectives, cross sections, elevations and photo-simulations from a number of different vantage points within and outside the City limits. The visual analysis also includes an extensive evaluation of the potential impacts created by shadows from the new buildings.

The Proposed Project has undergone extensive architectural and engineering study and a full SEQRA review of the environmental impacts has been completed. Taken as a whole, the visual impact analysis more than sufficiently satisfies SEQRA requirements for visual impact analysis.

Comment III.A-92:

The area of the downtown/waterfront district to the south of the Metro-North station, including Buena Vista Avenue and Hawthorne Avenue is where additional funding would be needed for the rehabilitation of existing housing. Has that funding source been identified? I would like to see their plans as it relates to other communities where this has been done. (Downtown/Waterfront District)

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-92:

Rehabilitation funding for this area has been discussed and may be included in the Land Disposition Agreements, which will be negotiated between the City and the Applicant, within the context of other needs and business issues associated with the project.

Comment III.A-93:

Will the units at River Park Center be smaller or larger as a result of changing the allowable FAR?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-93:

Final design of the units at River Park Center has not been finalized. However, changes in the allowable FAR are more likely to affect the overall size of the total development, not the unit size.

Comment III.A-94:

I would like to see a cap on the height once the height has been determined and agreed upon by the City Council and the developers. I do not know if we can take away air rights at a certain feet, to avoid what happened in White Plains.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-94:

Comment noted. The height of the buildings will be regulated by the Yonkers Zoning Ordinance and the terms and conditions of the Site Plan Approval (and, in the case of Palisades Point, the PUR special permit approval), and enforced by the City's Department of Housing and Buildings. The Applicant has petitioned the City Council for amendments to the height regulations of the City's Zoning Ordinance to permit a maximum height of 525 feet on a parcel in the CB District having 10 or more acres, and 220 feet on a parcel in the GC District having 4 or more acres. The developer in White Plains petitioned the Common Council for additional amendments to the height regulations of that city's zoning ordinance subsequent to site plan approval. The proposed zoning in Yonkers provides the flexibility needed to address these issues since the proposed zoning allows 525 feet, while the proposed buildings are 500 feet in height..

Comment III.A-95:

How wide is the riverfront Esplanade, Where is the narrowest point?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.A-95:

Per the Hudson River Walk guidelines, a minimum walkway of 16 feet will be provided. While specific material details and designs, including the width, have not yet be defined, it is the intention for the design for the esplanade width to vary, including the incorporation of additional planting and seating areas. Final details regarding materials and design of the proposed esplanade will be determined in coordination with the City of Yonkers' Planning Board during the Site Plan Review process.

Comment III.A-96:

Let us return to the 1998 Master Plan, which called for sensible development on a more human and reasonable scale. Do not let Yonkers be bullied by these developers.

(B.L. Scherer, E-mail, 5/30/2008)

Response III.A-96:

Comment noted.

Comment III.A-97:

Setbacks are required in every other district in our city. Setbacks convey numerous benefits the least of which is the ability to see a structure from all aspects and generally improved, lighted perspective, but most importantly allows better access for safety and servicing purposes, extremely needed in residential, 24/7 occupancies. Setbacks (front, rear and sides) were originally conceived to stop the spread of disease and fire. We have not evolved to the point that we do not need such protections any longer.

(Barbara Howard, Memo, 5/30/2008)

Response III.A-97:

Comment noted. Traditional zoning setbacks for downtown developments need to reflect the urban nature of downtown development where buildings often abut one another and are built right up to the sidewalk. The proposed mixed use development utilizes a variety of building setbacks that respond to the various uses designed as a whole. On New Main Street, for example, there is street level retail that abuts the sidewalk and a large pedestrian plaza that provides a major entryway into the riverwalk. Throughout the proposed development, building setbacks are provided for each of the proposed development sites, consistent with the proposed uses, abutting streets and publicly accessible open space. Setbacks will be reviewed in detail as part of the site plan approval process. Also note that the proposed residential buildings provide more than adequate separation from other buildings to address health and fire concerns. See also Response III.A-35.

Comment III.A-98:

But overall on 10 acres, such proximity of buildings, especially of varying heights can create numerous problems, i.e., a 20 story building next to a 10 story building, where debris, flammable materials etc., can fall on the lower building.

(Barbara Howard, Memo, 5/30/2008)

Response III.A-98:

Buildings of varying heights are typically realized in most cities. See Response III.A-35.

Comment III.A-99:

There is no floor to area ratio (FAR) in the River Park area presently since this a strictly residential use concept. They say they are going to 6 as prescribed by comprehensive county and city planning documents. (SFC cites the highest end of the range for dwelling units/acre and FAR). The FAR actually proposed for River Park is 50+.

(Barbara Howard, Memo, 5/30/2008)

Response III.A-99:

Zoning for the River Park Center site currently has an FAR of 5.0 compared to the proposed FAR of 6.0. There is no residential density since residential is currently not permitted in the CB zone.

Comment III.A-100:

The proposed zoning change is to have whatever is built to be considered conforming to the district. This "progressive" view is actually a license to argue that whatever is built is acceptable.

(Barbara Howard, Memo, 5/30/2008)

Response III.A-100:

See Response III.A-9.

Comment III.A-101:

Aside from the kayak launch and esplanade, please define "publicly accessible open space". Will this publicly accessible open space consist of manicured lawns with restricted access, parkland, community playground, etc?

(Molly Roffman, Letter, 5/30/2008)

Response III.A-101:

The landscaped lawn at Palisades Point will be privately owned and publicly accessible open space. The hours of operation for the publicly accessible open space will be defined by the Council in the Land Disposition Agreements. See also Response LA-10.

Comment III.A-102:

Will both parking garage roof top areas be open to the public? Specifically what type of open space is planned for these roof top areas?

(Molly Roffman, Letter, 5/30/2008)

Response III.A-102:

The roof top areas of the parking garages at Palisades Point will not be publicly accessible; they will be used for recreation for the residents of Palisades Point.

Comment III.A-103:

How wide is the proposed esplanade and does it incorporate a bike path?

(Molly Roffman, Letter, 5/30/2008)

Response III.A-103:

The proposed esplanade is a minimum of 16 feet wide, which is sufficiently wide to accommodate bikes and other users. The proposed esplanade will be substantially similar in design to the existing esplanade to the north.

Comment III.A-104:

Beware of declaring the Palisades Point area a Planned Urban Redevelopment that is no longer subject to any zoning ordinances. There will be no turning back.

(Charlie Hensly, Resident, Letter, 5/30/2008)

Response III.A-104:

Comment noted. See Response III.A-9.

Comment III.A-105:

Make sure that setbacks are part of any high-rise development.

(Charlie Hensly, Resident, Letter, 5/30/2008)

Response III.A-105:

Detailed review of building setbacks for multifamily buildings at River Park Center and at Palisades Point will occur during the Site Plan approval process. See Response III.A-35.

Comment III.A-106:

State in feet the height of the 25 story towers and the five story low rise wing.

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-106:

The approximate height of the 25 story tower is 250 feet, excluding mechanical penthouse of approximately 25 feet, and the five story low rise wings are 50 feet.

Comment III.A-107:

State square footage of residential dwelling units and hotel rooms

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-107:

For purposes of the DEIS and FEIS, the approximate square footage for apartments range for 800 to 1800 square feet. The approximate square footage for hotel rooms is 600 square feet. The exact square footage of individual residential dwelling units and hotel rooms will not be determined until construction documents are developed at the conclusion of the SEQRA environmental review process. These details will be included in the site plan that will be submitted to the City of Yonkers after the issuance of the City Council's Findings Statement which will include the approved program for the proposed project.

Comment III.A-108:

State square feet of the two residential towers of 950 dwelling units.

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-108:

The total square footage of the two towers at River Park Center is approximately 1,150,000 square feet.

Comment III.A-109:

Discuss handicap accessibility at ballpark

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-109:

There is handicap access to the ballpark. The entrance to the park is located off Nepperhan Avenue, across the pedestrian bridge that spans the Saw Mill River. Several passenger elevators will take people from the ground floor of the vertical core, where the ticket booth is located to the various levels of the ballpark where designated handicap viewing areas are located. Exiting the ballpark will be done in reverse. Exiting the ballpark in an emergency situation is done via three exit ramps that are handicap compliant.

Comment III.A-110:

Cacace Center, State square footage of hotel State square footage of parking garage.

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-110:

As indicated in the DEIS, the hotel will be approximately 75,000 square feet. The parking garage will contain approximately 1,349 parking spaces.

Comment III.A-111:

No control of uses for PUR Districts. While the City may desire the proposed uses for this project, once the PUR District is established there is nothing to stop the developer from selling to someone else and constructing undesirable uses. The City may wish to implement some zoning controls for established PUR Districts.

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-111:

Developing Palisades Point as a PUR, a specially permitted use in urban renewal areas, requires the approval of the Yonkers Planning Board and Yonkers City Council. In a PUR, the developer, in consultation with the Planning Board and the City Council, develop a single, coherent development plan for the area that may not conform to existing zoning. However, the specific conditions of the special permit issued by the Planning Board and City Council will specify the allowable dimensional requirements for the development.

Comment III.A-112:

Other Proposed Amendments to the Zoning Ordinance - Explain the sentence "the individual lots into which a development site is subdivided shall not be required to comply with the dimensional requirements of this chapter."

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-112:

In the event that a 10+ acre site is subdivided into two or more ownerships, the zoning controls would apply to the overall site and not to the separate subdivided pieces.

Comment III.A-113:

Executive Summary, I-23, E. Summary of Impacts and Mitigation 6. Traffic Transportation and Parking Section should include an analysis of the requested parking variances.

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-113:

Table III.A-7 on page III.A-23 of the DEIS lists the parking requirements that are being planned as part of the Project. These are not variances, but proposed zoning text changes. Also see Response III.A-79.

Comment III.A-114:

III-A-7 I. a.(1) Commercial Uses Are any parcels slated for eminent domain?

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-114:

The City does not currently plan on using eminent domain for this Project, except as a last resort if properties cannot be acquired through private transactions.

Comment III.A-115:

III-A-8 I. b Zoning Regulations PDR zone was not adopted in 2000 zoning ordinance as a zone. The previous zone for all of the PDR blocks/lots is "I" industrial District. There should be a zoning confirmation by the Commissioner of DHB of the correct zoning district.

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-115:

Comment noted.

Comment III.A-116:

III-A-9 I. b Zoning Regulations River Park Center and Cacace Center. Housing is not a "component of a specially permitted PUR", rather uses and dimensions are.

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-116:

Comment noted. Residential use is permitted in a Planned Urban Redevelopment.

Comment III.A-117:

III-A-11 I. c Urban Renewal States sites being pursued by applicant without the use of city's power of eminent domain. Confirm applicant will not use power of eminent domain.

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-117:

The Applicant is pursuing acquisition of all privately owned properties within the Project Area. No properties are proposed to be taken using eminent domain, except as a last resort if properties cannot be acquired through private transactions. See Response III.A-114.

Comment III.A-118:

III a-27 6. Local Waterfront Revitalization Program Compare stories to stories for the height of LWRP and the proposal at Palisades Point.

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.A-118:

The maximum height proposed for the residential buildings at Palisades Point is 25 stories. The draft LWRP, which has not been adopted by the City, calls for 6 to 10 story buildings.

Comment III.A-119:

The friends of Old Croton Aqueduct have participated in Riverfest over the years and are disappointed to witness the expansion of paved surfaces within the project area. The area adjacent to the pier, Parcels should be left vacant for community events since federal and state monies have been utilized to clear and enhance the site. The FGEIS for this project states that this site is the last remaining vacant riverfront parcel. There is a great need for more recreational uses. Why then isn't the site being developed for recreational and community uses?

(Joseph Kozlowski, Board Member, Friends of the Old Croton Aqueduct, Letter, Not Dated)

Response III.A-119:

Developing Parcels H and I is consistent with the land use plans for the downtown waterfront and its residential use is in keeping with the construction trends in the area. The completion of the Project will also create a new Hudson River Esplanade as well as other publicly accessible open space along the River. These new recreational facilities are being built at the expense of the Applicant. They encompass approximately 50% of the site area.

Comment III.A-120:

A large scale development is not the way to revitalize Getty Square or the waterfront. Wetlands and habitat preservation on the banks of the Hudson and Saw Mill Estuary is a priority! A park should be a priority! Turning this land into a park should be seriously considered as an alternative.

(Joseph Kozlowski, Board Member, Friends of the Old Croton Aqueduct, Letter, Not Dated)

Response III.A-120:

The Project is consistent with the City's vision of creating a more mixed-use and vibrant downtown area and the 1998 Downtown Waterfront Master Plan which calls for redeveloping waterfront parcels H and I. The proposed development for Palisades Point returns 50% of the site as publicly accessible open space. The costs of creating and operating a public park on the entire site would not be offset by revenues and therefore would constitute a considerable net negative on the City's budget. Also see Response III.A-119.

Comment III.A-121:

Appendix 1.D: URA – Description of URA Boundary Description – Pg. 3 – Missing text in section of New Main Street and the order is different. Pg. 4 – need to review for boundary corrections.

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.A-121:

The boundary of the previously approved Urban Renewal Plan will not change. The boundary description on file with the City remains valid.

Comment III.A-122:

Appendix D. Pg. 6-1st paragraph: The general appearance of retail establishments in the Square is fair to poor. I find this statement misleading – it refers to current conditions and sites the 1975 survey. If you are describing current conditions then you should look at doing an updated survey of the existing building conditions. Other wise the public will come away feeling misled.

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.A-122:

Appendix I.D of the DEIS presents the changes to the Getty Square Urban Renewal Plan that are necessary to effectuate this Project. A blight study was prepared as part of the TIF Feasibility Study. This Study clearly documents that the area is still blighted. Refer to DEIS Appendix I.D.

Comment III.A-123:

Appendix D. Pg. 9-2nd to last paragraph: Original approval approximately 75 families – Is the number still the same? 85 non residential establishment; is this the number being relocated? What is the current number being relocated? What does minor revision in the taking lines mean? It cannot extend beyond the current boundaries unless the property is identified and procedures followed. The list of properties that are identified for taking was not in the DGEIS.

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.A-123:

This cited reference is to conditions in the 1978 Urban Renewal Plan. For the current Project, no properties are proposed to be taken using eminent domain, except as a last resort if properties cannot be acquired through private transactions. There will, however, be 32 commercial and 22 residential properties displaced as a result of the Project. Mitigation for displaced persons and businesses is discussed in Section III.I of this FEIS. Those properties being displaced, through private transactions with the Applicant, are listed in Chapter III.I of the DEIS.

Comment III.A-124:

Appendix D. Pg. 10 – Does the zoning ordinance have a policy on air rights? Is the city planning to change the zoning ordinance?

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.A-124:

Air rights are not part of the Proposed Action.

Comment III.A-125:

Appendix D. Pg 11 Section 4: Lee please review there are questions on policy. Maximum Floor ratio proposed 6 100% permitted coverage. Do we really want to allow this? Site Plan & Design Review: Must get Planning Bureau and Building Dept. approval.

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.A-125:

The Council will deliberate on the zoning changes as part of its overall review of the Proposed Action. See Responses III.A-5, III.A-35.

Comment III.A-126:

Please identify the revisions or amendment to the City zoning ordinance that will be required.

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.A-126:

The proposed zoning amendments are described in Chapter III.A of the DEIS and are provided in Appendix E of this FEIS.

Comment III.A-127:

Pg. 14 - Superintendent should be changed to Commissioner.

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.A-127:

Comment noted.

Comment III.A-128:

Appendix A: _Structural Conditions Survey - Needs to be updated to 2008. Please redo structural condition survey and include as Appendix A. What are the present conditions? Have there been any modifications to the existing building conditions?

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.A-128:

Chapter III.B of the DEIS discusses and documents the current conditions of the Project area. Moreover, a blight study has been prepared as part of the TIF Feasibility Study and included in the Appendix ID of the DEIS.

Comment III.A-129:

Exhibit 3 - Proposed Amended Renewal Action Map - The section Rehabilitation & Conservation adds several properties to the existing URA - Is this a modification of the existing boundaries? Please add back to the URA the Exhibit with the Properties to be acquired.

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.A-129:

The boundaries of the Getty Square Urban Renewal Area have not been changed. The proposed changes relate to land uses, street closings and redevelopment techniques, all of which are within the present urban renewal plan boundaries.

Comment III.A-130:

(1) I., p.7-8 Proposed amendments to the zoning ordinance include proposed modifications to the use and dimensional regulations of the Central Business and Government Center Districts. "The Zoning Ordinance is proposed to be amended to provide that in the CB and GC Districts, a tract having 10 or more acres of area in the aggregate and comprised of one or more parcels and/or lots may be designated by the City Council as a single 'Development Site'. Clarify what is meant by "aggregate"? Must the properties in the 10 acre "tract" be abutting each other to qualify as a single Development Site"?

(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.A-130:

The word "aggregate" is not strictly necessary. The Applicant has proposed that in the CB District and GC District a "tract" (as that term is already defined in the City Zoning Ordinance) of 10 acres or more can be designated by the City Council as a "Development Site." Under the Applicant's proposal, the lots which comprise the Development Site can be separated by public or private streets or rights-of-way.

Comment III.A-131:

Clarify whether the zoning amendments afforded the applicant's proposed Development Site(s) (e.g. FAR, building height and coverage) can be extended by the City Council to include existing abutting parcels or lots not presently incorporated in this application to allow for and encourage present or future owners to undertake redevelopment compatible with this Project (e.g. the C.H. Martin property).

(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.A-131:

A Development Site is a “tract,” i.e., a site that is the subject of a development application. Under the City Zoning Ordinance, the applicant for Site Plan Approval must be the owner, or be authorized by the owner to make the application for approval. Therefore, only the owner of the 10 acre tract or a person authorized by the owner of the 10 acre tract can apply for designation as a Development Site. It is conceivable that a Development Site can be extended over time, but in each instance the extension could only occur if all owners of the affected property consented and joined in the applications. This is also consistent with the fact that all lots which comprise a Development Site would be subject to the restriction that they could thereafter be used only in accordance with the approved site plan for the entire Development Site.

Comment III.A-132:

(5) II., p. 9 The DEIS states that amendments are necessary to permit River Park Center to be developed ...including, “most importantly, residences, which are not currently permitted in the CB district and to permit buildings up to 525 feet high on sites in the CB District having at least 10 acres...” Clarify whether said amendments will be limited to the Applicant’s development site(s) and only in accordance with the approved site plan for said development site(s) or will apply to the Central Business District as a whole.

(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.A-132:

Changes to the City’s Zoning Ordinance will apply to the CB and GC District. See Responses III.A-130, III.A-131.

Comment III.A-133:

(7) II., p. 31 The DEIS states, “Proposed development on this site includes a minor league baseball park and a “riverwalk” that is comprised of the daylighted Saw Mill River bordered by landscaped retail, dining and office space. The total amount of new open space will be approximately 3.0 acres. Clarify whether the ballpark and “landscaped retail, dining and office space” are being classified by the Applicant as 3.0 acres of new open space and explain the rationale for said designation.

(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.A-133:

The publicly accessible, privately owned, riverwalk is considered to be open space. The ballpark is not considered as open space in the DEIS calculations. See Response LA-10.

Comment III.A-134:

Clarify the Land Disposition Agreements the CDA will be responsible for approving and what Land Disposition Agreements, if any, the City Council will be responsible for approving. Clarify what potential condemnations the CDA will be have the authority to review and approve and

what, if any, potential condemnations the City Council will have the authority to review and approve.

(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.A-134:

The Land Disposition Agreement for River Park Center and Cacace Center and the Land Disposition Agreement for Palisades Point are both subject to City Council approval. If despite good faith efforts the Applicant is unable to acquire a parcel needed to assemble a Project site, then either the Yonkers Industrial Development Agency or the Yonkers Community Development Agency could potentially condemn that parcel.

Comment III.A-135:

(12) Exhibit II-20 NYSDOT Land Acquisition Clarify what the broken purple line along New Main St. and Palisade Avenue, that appears to encroach on the C.H. Martin property, illustrates.

(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.A-135:

The purple line presents an approximation of the Project Site boundary, which does not encroach on the C.H. Martin property. The focus of the exhibit is on the land to be acquired from the New York State Department of Transportation.

Comment III.A-136:

Clarify whether it is contemplated that any public entity other than the City of Yonkers may use its power of eminent domain to acquire private property within any of the Project sites, e.g. Yonkers CDA, Empire State Development Corporation.

(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.A-136:

See Responses III.A-117, III.A-134.

Comment III.A-137:

Clarify whether the Applicant will cease pursuing acquisition of privately owned buildings and land within the River Park Center site if New Main Street Redevelopment Corporation seeks to acquire them. If so, clarify whether New Main Street Redevelopment Corporation will acquire the Applicant's option to purchase any of said properties. Clarify whether it is contemplated that the New Main Street Redevelopment Corporation might seek the City, CDA or any other entity's power of eminent domain to acquire privately owned buildings and land in furtherance of the Applicant's Project.

(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.A-137:

The Applicant has no involvement with the New Main Street Development Corporation and therefore does not set policy for this entity. The Applicant intends to control all of the properties required for the successful completion of its Proposed Project and will not cease pursuing acquisitions.

Comment III.A-138:

Clarify whether the 10 acre minimum applied to the proposed amendments to the bulk and dimensional regulations of the City's CB is intended and/or anticipated to have this Applicant's proposed Projects be the sole beneficiary of said bulk and dimensional amendments within the CB.

(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.A-138:

The zoning was drafted to apply to the specifics of the Proposed Action; however, its provisions could apply to other properties in the respective zoning districts, subject to certain criteria. A minimum parcel area of 10 acres is required to take advantage of the proposed changes to the regulations of the CB District, and a minimum parcel size of 4 acres is required to take advantage of the proposed changes to the regulations of the GC District. Setting the minimum parcel area that high will effectively limit the potential applicability of the proposed changes. There are no other sites that meet the 10 acre minimum in the downtown, though it is possible that a 10 acre parcel could be assembled. However, an assemblage of sufficient land area for a future redevelopment project in accordance with the proposed zoning could occur. Although possible, it is likely that such an assemblage might involve a public/private partnership, similar to the SFC development where urban renewal land and publicly owned properties (e.g., parking facilities) are utilized as part of the assemblage.

Comment III.A-139:

- 1) What is the acreage of each of the project sites?
- 2) What are the block and lot numbers of every tax lot at each project site?
- 3) What is the 2008 1) assessed value and 2) market value of every tax lot at each project site according to the City of Yonkers Tax Assessor?
- 4) What is the current ownership of every tax lot at each project site?

(Deirdre Hoare, Resident, Letter, 5/30/2008)

Response III.A-139:

The acreage of River Park Center is approximately 15 acres, Government Center is approximately 2.5 Acres, Cacace Center is approximately 4.5 acres, and Palisades Point is approximately 5.5 acres.

At this time the Applicant is still negotiating for a few remaining parcels needed for the development site. See Table II-1 of the DEIS for the block and lot numbers. As a result, the exact

property details cannot be provided at this time. Once all of the acquisitions are completed, this information will be provided.

Comment III.A-140:

- 5) What is the anticipated ownership of every tax lot at each project site during construction?
- 6) What is the estimated 1) assessed value and 2) market value of every tax lot at each project site after any necessary demolition and during the construction phase?
- 7) What is the anticipated ownership of every tax lot at each project site when the project is completed?

(Deirdre Hoare, Resident, Letter, 5/30/2008)

Response III.A-140:

It is anticipated that the project sites will be merged into one Block and Lot and owned by the Applicant for construction. The assessed and market value of the project sites will remain the same as the current assessment during construction.

At this point ownership has not been completely planned out. However it is anticipated that at the completion of the project, ownership will vary based on the various entities involved, by building components (Retail, Residential, Ballpark, etc).

Comment III.A-141:

- 8) In instances where ownership of tax lots will change, how will transfer of ownership be accomplished in each instance and what parties will be involved in each transfer (including City agencies such as the CDA and IDA, LDC's, etc.).
- 9) What is the anticipated 1) assessed value and 2) market value of every tax lot at each project site when the project is completed?

(Deirdre Hoare, Resident, Letter, 5/30/2008)

Response III.A-141:

At this point, the specifics of these transactions have not been negotiated. Once the Land Disposition Agreements are negotiated by the City Council, this information will be available.

At this time the Applicant is still negotiating for a few remaining parcels needed for its development site. As a result the exact property details cannot be provided at this time. Once all of our acquisitions are completed, this information will be provided.

Comment III.A-142:

We support the 1998 Downtown Waterfront Master Plan, Alternative B, as the preferred use of this site. The financial and environmental costs that are the direct result of the increased density

in this limited area are too great to make the other proposals acceptable. The proposals for 25 story towers are out of scale with existing structures, create an undesirable precedent for further waterfront development and do not supply sufficient parkland for the existing under-served residents or anticipated new population. The DEIS provides no justification for the radical modifications and changes of the accepted 1998 plan.

(Gail Averill, President, Park Hill Land Conservancy, Inc., Letter, 5/30/2008)

Response III.A-142:

Comment noted. See Responses III.A-4, III.A-5.

Comment III.A-143:

The request for PUR Zoning should be denied. Essentially, this removes any further control of the site by any public or City Agency.

(Gail Averill, President, Park Hill Land Conservancy, Inc., Letter, 5/30/2008)

Response III.A-143:

Comment noted.

Comment III.A-144:

The towers will also cast shadows and block light and air for current inland residents year round.

(Gail Averill, President, Park Hill Land Conservancy, Inc., Letter, 5/30/2008)

Response III.A-144:

Chapter III.B of the DEIS discusses the visual impacts that the Project will have on the surrounding area as well as the actions that will be taken to mitigate those impacts. See Response III.B-10.

Comment III.A-145:

The increase in density requires a vehicle bridge. Not only is the expense of this bridge unspecified but the increased traffic will of necessity add noise and compromise air quality at the vulnerable riverfront.

(Gail Averill, President, Park Hill Land Conservancy, Inc., Letter, 5/30/2008)

Response III.A-145:

The Prospect Street bridge has been eliminated from the Proposed Action in response to various comments cited elsewhere in this FEIS as well as cost factors. The traffic analysis for Palisades Point was undertaken without the bridge.

Comment III.A-146:

Page III.A-2/ 2nd Para - The sentence is unclear and makes it sound as if River Park Center contains industrial uses. It should say that the site of River Park Center currently contains uses and zoning of those types.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-146:

A field check on September 15, 2008 indicated that there are 3 parcels that are currently being used as industrial/warehouse/manufacturing. (See Exhibit III.A-2 of the DEIS.) The table below details the properties in question.

Industrial/Warehouse Uses in River Park Center Site

Block	Lot	Property Address	Property Use	Current Owner
0475	065	33 John Street	Industrial	33 John St Realty Corp
0475	067	37 John Street	Industrial	Naber, Najib & Ferail
0475	053	78 Elm Street Rear	Warehouse	DP Riverside Realty Inc

Source: City of Yonkers GIS

Comment III.A-147:

III.A18 - Chart -Is the under construction county office space counted in this chart? 100,000 sq. ft. at the Warburton Avenue part of I park?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-147:

This office building was not included in the future projects within the detailed land use study area. It is noted that this office building is under construction in the study area to replace existing Westchester County office space on Alexander Street only two blocks away. Therefore, this was not considered new space or a No-Build Project.

Comment III.A-148:

III.A20 & 21 Explain why a "central focal point" is a desirable thing? What emerging land use patterns? This statement makes it seem as if there is building already taking place instead of planning that has yet to be approved. This is an inappropriate statement that does not explain the impacts of the proposed action. Define "major attraction"? Will there be a need to review the major attraction as a "SEQRA-able" use itself?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-148:

A central focal point will create a visually appealing waterfront skyline for viewers from the east, and the west. There is residential building construction already taking place along the waterfront, though it is true that much of the waterfront has yet to be constructed with residential uses (i.e., Alexander Street). The Applicant believes that the visual distinction of the Palisades Point development, together with the amenities being constructed on site, will attract residents and visitors alike. The impacts of the development of this site are considered in the DEIS.

Comment III.A-149:

How will the Cacace center be "an even greater attraction" than Larkin Plaza? The statement is something of a non-sequeter.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-149:

It is believed that the Cacace Center and River Park Center will be a greater attraction for visitors, shoppers, and residents than Larkin Plaza due to the mixed use nature of the River Park Center development including its Riverwalk, ballpark and other uses. This statement is not meant to detract from the desirability of making improvements to Larkin Plaza as open space area.

Comment III.A-150:

Please comment on the total height of the buildings. What kinds of rooftop mechanical equipment are expected and why cannot this be factored into the total height of the building?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-150:

The height of the buildings is as indicated below:

West Tower: 500'

East Tower: 500'

Podium: 145' (to top of grand stand)

Palisades Office 165'

Elm St. Office 80'

The mechanical floors for the towers may range from 30' to 45' in height.

If the City desires, maximum building height under the City Zoning Ordinance can be expressed to include the rooftop equipment.

Comment III.A-151:

The exception to the height of building proposed allows the exception to be applied in the entire GC and CD zone. The DEIS does not address and must address the number of other buildings that this exception would impact, the extra amount of floor area that would be permitted and the additions to height that will be allowed beyond that already permitted. The DEIS treats this amendment as if it were specific to the applicant's project when in fact it applies to all current and future buildings in those two zones. The overall impact in those zones must be analyzed.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-151:

The proposed zoning is keyed to the size of the parcel on which the height is proposed to be developed. The proposed amendment provides that "In the CB District, the maximum height shall be 525 feet on a parcel having ten or more acres of area in the aggregate. In the GC District, the maximum height shall be 220 feet on a parcel having 4 or more acres in the aggregate." This limits the potential applicability of the height, as discussed in the DEIS. There are no other sites that meet the 10 acre minimum in the downtown, though it is possible that a 10 acre parcel could be assembled. The proposed zoning would allow for the assemblage of a 10-acre site by another entity thereby permitting a mixed-use development to come before the City Council and Planning Board for approval.

Comment III.A-152:

Explain what rooftop appurtenances are necessary to the operation of the building and why these cannot be built under the existing zoning guidelines. Explain where and how these architectural trends are being carried out. Give examples of sites. Explain why the height of the buildings under zoning cannot be expressed to include the rooftop equipment?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-152:

Rooftop appurtenances are required to accommodate the buildings' necessary mechanical equipment and to provide elevator bulkheads. If the City desires, maximum building height under the City Zoning Ordinance can be expressed to include the rooftop equipment.

Comment III.A-153:

III.A30 - What is the impact of the roadway adjacent to the day care center? Will there be any building mitigation to stem any noise, air quality or vibration impacts? What will be the impact upon drop off and pick up at the center?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-153:

Given concerns expressed by area residents and others, as well as cost factors, the proposed Prospect Street bridge has been eliminated from the Proposed Action. These concerns include issues of safety, security and traffic congestion for residents of the Scrimshaw House, and issues of potential impacts on the children's playground and parents' ability to drop-off their children at the Queen's Daughter daycare facility.

Comment III.A-154:

III A-30 Visual impact may be mitigated but height is height. Orientation will not change the height. Likewise, development at this site is mitigated by the open space component but the height is not mitigated by the ground floor land use.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-154:

Comment noted.

Comment III.A-155:

III A-30 Is a 10 foot buffer in scale based upon the size of the adjacent buildings? Is a 65 foot set back adequate given the height of the adjacent buildings?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-155:

It is the opinion of the Applicant that the zoning amendments set forth in the DEIS are adequate.

Comment III.A-156:

Zoning Amendment B Changes to regulations in the CB district:

The PUR does not need to appear in this location since the CB is not considered a residential zone. It is covered in the later chart where PUR is permitted for Business and Commercial uses.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-156:

The Applicant's proposed zoning changes anticipate making residential a permitted use in the CB district.

Comment III.A-157:

Zoning Amendment B Changes to regulations in the CB district:

Permitting apartment houses in the CB as a permitted use (versus as a part of a PUR) may tilt the market away from desirable downtown uses in favor of residential uses. This is a case of the use benefiting the client but not the city.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-157:

Comment noted. In the Applicant's opinion, the zoning changes proposed will help to create a more mixed-use and vibrant downtown. This mixed-use zone would leverage existing and proposed public infrastructure (e.g., parking, transportation network, roadways) while supporting a diverse set of retailers who would benefit from the 24 hour/seven day a week nature. Individual developments may be solely residential or commercial (and should not necessarily be prohibited) but this variety of uses would still support the general mixed-use trend of urban redevelopment underway throughout the region.

Comment III.A-158:

Zoning Amendment B Changes to regulations in the CB district:

CB is not a residential zone. Need to amend definitions (definition of "Residential Zone") as well if this is to be used. Since the CB district is not a residential zone and since there is no desire to make it so this should be handled as a special use under the PUR or in the "sites greater than 10 acres" format.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-158:

Comment noted. The definition in Section 43-8 of the Zoning Ordinance of "nonresidential districts or zones" should be amended to delete the CB District and GC District from the definition and place them in new defined use category to be known as "mixed-use districts or zones." It is not proposed that residential use be permitted in the CB District or GC District only on sites greater than 10 acres.

Comment III.A-159:

Zoning Amendment B Changes to regulations in the CB district:

The term "Development Site" should be defined in 43-8 Definitions. A further amendment to the code would be required.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-159:

Comment noted. A definition of “Development Site” will be added to Section 43-8 of the Zoning Ordinance.

Comment III.A-160:

Zoning Amendment B Changes to regulations in the CB district:

Proposed zoning would allow the regulations to apply to the whole parcel and then to any sites which may be subdivided at a later time. That format has proven difficult in other settings where development site approvals are later refined to lot sized parcels that do not conform to the zoning.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-160:

Comment noted. The Applicant disagrees with the conclusion that this format has proven difficult in other settings. In the Applicant’s opinion, classic zoning concepts of “lot” and “lot area” cannot adequately accommodate the kinds of property ownership and financing interests that are required to successfully structure a complex mixed-use project. In fact, in recent years, related entities of the Applicant have successfully constructed and financed complex mixed-use projects developed under similar flexible zoning regimes.

Comment III.A-161:

Zoning Amendment B Changes to regulations in the CB district: There was no discussion in the DEIS of the idea of lots being divided that may comprise "wholly or partially subsurface land and or volumes of air space". This needs to be fleshed out in the text.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-161:

Comment noted. The proposal to permit lots to consist of air space or subsurface rights is intended to facilitate the kinds of complex financings that are typical for mixed-use projects of the size and scale of this Project. The proposal does not have any zoning impact per se, because it would be permissible only in connection with a Development Site designated by the City Council, and in a Development Site, all constituent lots regardless of type of property interest and/or size of the lot could only be used in accordance with the approved site plan for the entire Development Site. Therefore, from the “outside looking in,” a mixed-use development project on a designated Development Site that is divided into surface, subsurface and air rights lots would be indistinguishable from the same project if was not divided into these kinds of constituent lots.

Comment III.A-162:

Zoning Amendment E Changes supplemental requirement for accessory parking: The distance regulations are badly written. Lot line from building to lot line of parking by shortest route for pedestrian travel does not take into account entrances - it should be entrance to entrance. The use of development parcels rather than lots allows the lot line to be at one end while the building entrance is at the other end of the parcel.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-162:

Comment noted. The text does take distance between entrances into account. The proposed text provides that the distance is "measured by the shortest available route for pedestrian travel from the property line nearest the entrance of the principal use or building which such parking serves to the pedestrian entrance of such garage or open air parking area closest to such property line." However, if the City desires, the Applicant would not object to restating the provisions based strictly on permissible distance between the entrances of the facility and the garage that are nearest to each other, provided that the restated maximum distance accommodates the plans for the Project.

Comment III.A-163:

Zoning Amendment E Changes supplemental requirement for accessory parking: These sections will change the parking regulations for all sites within the city. This has not been studied or commented upon in the EIS. Nothing in these sections limits this to the Downtown project.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-163:

Comment noted. The parking ratios are proposed to change only in the CB and GC Districts, and not in the City as a whole. The Applicant believes that the ratios are consistent with parking requirements for any site in the CB or GC districts.

Comment III.A-164:

Zoning Amendment E Changes supplemental requirement for accessory parking: What is the benefit of adding the word "area" to the term parking? Should that change be reflected in the definitions section as well?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-164:

The word "area" is not needed and can be deleted.

Comment III.A-165:

Zoning Amendment E Changes supplemental requirement for accessory parking: The city specifically placed the terms "in the same ownership as the principal building" for off-site parking to alleviate problems with shared parking that disappears after the site plan is approved. When under one ownership it is a controllable situation. If this change is needed to effectuate the downtown plan then it should apply only to the project.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-165:

Comment noted. The concern is addressed by the requirement that a legal instrument satisfactory to the Corporation Counsel be provided to assure the continued existence and use of such parking for the duration of the principal use or building which the parking serves. The agreement may also be subject to approval by the City Council.

Comment III.A-166:

Zoning Amendment E Changes supplemental requirement for accessory parking: Why not add the DW zone as well into the exclusions for 5 parking levels? Same comment as above. Distances are too great and the measurement from property lines is a problem. If this is appropriate in the downtown districts it should be so stated and not included in other areas without specific analysis as to those impacts.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-166:

Comment noted. If the City desires, the exclusion can be extend to the DW District. See Response III.A-162 regarding the distances between parking areas and the buildings and uses they serve. It should also be noted that the Applicant has proposed that in the CB District and GC District only, parking requirements can be satisfied in public parking garages or areas within 500 feet, which the Applicant believes is appropriate in a downtown that is to be redeveloped for mixed-use, and is necessary to accommodate the development of the Project.

Comment III.A-167:

Required parking in the CB and GC districts. These new ratios are available to all users within the two districts including future developments that cannot provide shared parking in the same format as at the SFC project. It would be more protective of the city's interests if there was a clause that explained that these ratios are only available when there is a development that allows for shared parking provision.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-167:

Comment noted. The Applicant has no objection to limiting the proposed new CB District and GC District parking ratios to uses on Development Sites designated by the City Council, or in connection with approval of shared parking.

Comment III.A-168:

Exception to the height limitation in the CB and GC district. This amounts to the automatic provision of an extra floor on each structure. It is clear that the amendment will be used to put all mechanical equipment on the roof instead of within the building, and to take an exception to the already increased height of 500 + feet.

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.A-168:

Comment noted. The Applicant's proposal calls for building heights to be a maximum of 500 feet excluding rooftop mechanical equipment.

Comment III.A-169:

1998 Master Plan and 2000 Comprehensive Plan. In the Executive Summary and elsewhere in the DEIS, SFC uses selective language from these two plans in a fashion that disregards the building heights and architectural cohesiveness required by the adoption of the MP and the CP.

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.A-169:

Pages III.A-25 - III.A-27 of the DEIS discuss the compatibility of the Project with existing planning studies. Specifically the DEIS refers to the height of buildings recommended in the 1973 Hudson Riverfront as well as in the Downtown Waterfront Plan and the Local Waterfront Revitalization Plan. It also references the uses proposed by the existing plans. The building heights for these plans are specifically noted in Chapter A of the DEIS. Additionally, Alternative F presented in Chapter V of the DEIS describes development of the Palisades Point site in accordance with the Waterfront Master Plan. As noted in Exhibit V-13 of the DEIS, buildings would range in height from 40 to 80 feet under this alternative. See also Response III.A-4.

Comment III.A-170:

In Chapter III (A-10, b and c) the developer proposes that Parcels H & I be given a PUR designation. Such a zoning change would mean that the Lead Agency and the ZBA would cede zoning controls over this project to the developer. YCSD would prefer that these controls remain with the Lead Agency.

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.A-170:

Rather than ceding zoning control to the Applicant, the PUR allows the City Council a more direct role in tailoring zoning to the site that would otherwise be the case to standing district-wide zoning regulations. See also Response III.A-9.

Comment III.A-171:

Getty Square Urban Renewal Plan. Under current zoning, lot coverage may be no more than 77% of the building lot. SFC proposes an amendment to 100% so that there will be complete coverage for the entire River Park Center. YCSD asks the Lead Agency to maintain the 77% now applicable under current zoning law. This simple adherence to the current URP would help to create a buffer zone around the mall.

- a. Current plans call for an 11-story mall that will, for an example, be literally directly adjacent to Getty Square. At the very least, there should be a deep park boundary that would create a buffer zone for light and air!
 - b. The entire Mall could be surrounded by a buffer zone of parkland OR
 - c. The Project developers could use 23% of the property to create a much needed open and green Central Park in the downtown which would also help to mitigate future flooding in the area, particularly after a mall is built.
 - d. Even if Alternative B were used instead of the proposed Project, a park is much needed in the downtown.
 - e. 23% fully landscaped open space left in the Chicken Island, would help mitigate the loss of open space around City Hall and Chicken Island, Waring Park, etc.
 - f. Palisades Office Building – this should also not be a total build-out but should be installed in a park setting to mitigate the impact upon local streets and residents.
- (Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.A-171:

The zoning amendments, and amendments to the Getty Square Urban Renewal Plan, set forth in the DEIS, would not affect the public welfare. The impacts of those changes on the environment, as well as the steps that will be taken to mitigate the negative impacts, are detailed in the DEIS. The open space suggested in the comment is being provided as part of the Riverwalk, which is publicly accessible space with varied functions that are particularly suitable for a downtown location. Overall, this Project will result in approximately 6.3 acres of publicly accessible open space. In addition the ballpark is an additional open space on the site that will be available to schedule for a wide variety of functions. Project residents will also benefit from 3.5 acres of rooftop open space.

Comment III.A-172:

3. Why is a “dropoff” paved turnaround still a part of this project? There should not be impervious pavement this close to the River, and this is a land-grab of public open green space

that will be turned into parking in short order! 4. Is this “dropoff” calculated into the open space numbers? The language in I-3 hints that it is not considered public space.

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.A-172:

The dropoff is located between the two 25 story buildings. It provides access, parking and loading, as well as pedestrian access from on-street parking to the publicly accessible open space which encompasses approximately 50% of the Palisades Point site. The landscaped island within the dropoff is counted as part of the publicly accessible open space at Palisades Point. During final design, this space can incorporate design features consistent with a public plaza.

Comment III.A-173:

5. PUR Zoning will take control of the H&I Parcels out of the hands of the Lead Agency. How is this different from I-9, 2: part of the Riverview Urban Renewal Plan from 1998?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.A-173:

The Project is in keeping with the vision set forth on page 9 of the 1998 Riverview Urban Renewal Plan. That page calls for residential uses to be constructed with adequate off-street parking, recreational opportunities, and housing opportunities that allow residents easy access to regional transportation. In addition, amendments to the 1998 Waterfront Master Plan are listed in Appendix 1.E of the DEIS and Appendix E of this FEIS. See also Response III.A-9.

Comment III.A-174:

There were townhouses fronting the garages in the first pDEIS. What happened to them? Are the total 435 units now only in the two towers?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.A-174:

Most of the residential units are in the two towers; however, some residential units will also be in the 5 story buildings on either side of the two towers. See Exhibit II-10 of the DEIS. The Project as currently proposed does not propose to build any separate townhouses. The portion of the garage that faces the Hudson River will have a development liner with residential uses above ground level retail and professional office space.

Comment III.A-175:

10. Do the 57 public parking spaces at the Palisades Point provide a meaningful level of public access to enjoy the public space that will be available? Is there a guaranteed minimum of 57 spaces specifically for the general public?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.A-175:

The 57 at-grade parking spaces at Palisades Point will be for the general public, as opposed to the structured parking which will be for residents of Palisades Point and the Scrimshaw House. The number of spaces will be guaranteed since it will be part of the Site Plan Approval. See Exhibit II-10 of the DEIS.

Comment III.A-176:

2. Public Plaza at River Park Center

- a. This is entirely paved. Are these pervious surfaces? Why not more plantings?
 - b. What kind of public easements are needed or anticipated? (See I-4 b)
 - c. Does ownership and maintenance of this space reside with COY or SFC?
 - d. The New Main Street side of this plaza may well be in shade throughout the day. Have shadow studies been done for this area? This will not be a visitor-friendly spot if completely in shadow.
 - e. The public plaza ends abruptly on New Main Street next to the “Residential Amenity Building” which is adjacent to the Martin Department Store. This creates a solid block next to Getty Square. Why not continue the public plaza straight through to Getty Square and move the Amenity Building further back or incorporate it onto one of the condo towers?
- (Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.A-176:

a) The publicly accessible open space at River Park Center will feature the newly daylighted Saw Mill River as well as pedestrian walkways. The walkways will feature landscaping and plantings as shown on Exhibit II-11 of the DEIS.

b&c) This space will be owned and maintained by the Applicant, but will be open to the public.

d) Shadow studies were conducted and Chapter III.B of the DEIS discusses the shadow impacts from the Project. The Applicant believes that the public plaza, as currently envisioned, is a significant improvement to downtown Yonkers and will add vitality to the Getty Square area.

e) The comment regarding the plaza along New Main Street is noted. The Applicant believes that the plaza, as currently envisioned, is a significant improvement to downtown Yonkers and will add vitality to the Getty Square area.

Comment III.A-177:

a. Residential Amenity Building – how tall is this? Is it more than the 11-story mall? Was this even mentioned in the previous DEIS?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.A-177:

The residential amenity building, as shown on Exhibit II-11 of the DEIS will rise to an elevation of 162 feet. New Main Street at that area is at an elevation of 55 feet. Therefore, the building would be 107 feet tall.

Comment III.A-178:

e. A full build-out at 100% of the Project space, coupled with an FAR of 6, seems excessive. Why not at least hold to the 77% footprint and an FAR of 5%?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.A-178:

Comment noted. The zoning changes are necessary to implement the proposed development. See Response III.A-171, III.A-179.

Comment III.A-179:

The developers propose various amendments to zoning and to the existing Downtown Riverfront Master Plan. If approved, the result will be substantially taller buildings, with no setbacks, and with larger floor-to-area ratios. The changes are proposed not only for the SFC Phase I developments but also for the entire plan area. The developer's renderings of proposed development show only the towers that they propose to build, not additional development that likely will follow, and that will presumably take advantage of these same proposed zoning or master plan changes to increase height and bulk. So the DEIS offers no way to evaluate the effect on the scenic environment despite the fact that "the most significant natural resources in downtown Yonkers are the Hudson River and the Palisades..." quotation from the DEIS Executive Summary).

(Nan Beer, Resident, Letter, 5/30/2008)

Response III.A-179:

The changes to the Zoning Ordinance that are being proposed as part of the Project, as well as the impacts of those changes, are detailed in the DEIS and this FEIS. Many of the zoning changes apply only to certain zoning districts in downtown Yonkers. A minimum parcel area of 10 acres is required to take advantage of the proposed changes to the regulations of the CB District, and a minimum parcel size of 4 acres is required to take advantage of the proposed changes to the regulations of the GC District. Setting the minimum parcel area that high will effectively limit the potential applicability of the proposed changes. However, an assemblage of sufficient land area for a future redevelopment project in accordance with the proposed zoning could occur. Although possible, it is likely that such an assemblage might involve a public/private partnership, similar to the SFC development, where urban renewal land and publicly owned properties (e.g., parking facilities) are utilized as part of the assemblage.

The CH Martin building is not part of the proposed development. If it were proposed for redevelopment in the future, its redevelopment plan would either have to comply with existing

CB zoning, or a petition for a zoning change could be presented to the City Council for its consideration.

Comment III.A-180:

The YACB requests that the Applicant address potential issues that may arise with respect to the Project (including delays, increased costs and alternative plans) if (i) private property owners refuse to sell their property or (ii) Yonkers proceeds with a course that implements its power of eminent domain.

(Gavin Kearney and Jonathan Green, Yonkers Alliance for Community Benefit, Letter, 5/30/2008)

Response III.A-180:

The Applicant will incorporate any delays or cost increases into its project development as necessary. This will not create any environmental issues in need of analysis. The Applicant plans on acquiring all of the parcels needed for redevelopment through private transactions. The use of eminent domain is not believed to be necessary, except as a last resort if properties cannot be acquired through private transactions.

Comment III.A-181:

The DEIS states that "[t]he Palisades Point development represents a continuation of the emerging pattern of multi-family housing and publicly accessible open space between the Metro-North tracks and the Hudson River." The YACB requests that "emerging pattern" be further clarified and supported with data, including details on the other regional locations showing such patterns and a brief analysis on the beneficial and detrimental aspects of such patterns. The YACB also requests similar data and analysis at the various other places in the "Land Use", "Zoning" or other sections that reference "emerging patterns" or "emerging land use patterns".

(Gavin Kearney and Jonathan Green, Yonkers Alliance for Community Benefit, Letter, 5/30/2008)

Response III.A-181:

There are several residential uses that have been built, or are currently being built, along the waterfront to the north of the Palisades Point site. In addition, the City's Community Development Agency is contemplating adopting a master plan for the Alexander Street portion of the waterfront that envisions vastly expanding the residential and open space use of the waterfront.

Comment III.A-182:

The DEIS references "recent architectural design trends" when discussing "[t]he supplementary regulation of the Zoning Ordinance providing for exceptions to building height [being] proposed to be amended to permit rooftop appurtenances to cover the entire "floorplate" of the roof. The YACB requests that a detailed analysis be provided (possibly including published studies,

articles and other media materials) that indicate such trends, both regionally and nationally, are beneficial to the relevant community at large. Also, later in the section of the DEIS entitled "Contributions to Urban Design and Architectural Character of Downtown Yonkers". The YACB requests that a similar analysis be presented with respect to the Applicant's comments regarding "architectural styles."

(Gavin Kearney and Jonathan Green, Yonkers Alliance for Community Benefit, Letter, 5/30/2008)

Response III.A-182:

The Applicant has developed several residential uses throughout the region that have utilized the architectural styles being proposed, such as in White Plains and New Rochelle. It is the Applicant's opinion that these buildings are more visually appealing than rooftop appurtenances that protrude from the roofline of the building.

Comment III.A-183:

A canoe and kayak launch is referenced. Will this still be part of the project now that a similar use was recently built at the JFK Marina? The Ballpark: This section should elaborate on the perspective minor league baseball team envisioned as the primary tenant. Other potential uses of the stadium should be discussed as well. Have other sporting uses been considered on the "off-season" or as an alternative such as soccer, a speed skating track or a cycling velodrome?

(Mario Caruso, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/2/2008)

Response III.A-183:

The Applicant still proposes to construct a canoe/kayak launch as part of the Project, however, the final programming decisions for the esplanade will be made at the conclusion of the environmental review process and be dependent on community need, financial feasibility, and collaboration with the involved parties (e.g., City of Yonkers Parks Department, Yonkers Paddling & Rowing Club, etc.). For further information on the ballpark, see Response III.I-122.

Comment III.A-184:

Executive Summary, 1-8, c. Other Proposed Amendments: "Volumes of air space" are mentioned. Have air rights as a commodity been considered? Have the transfer of air rights or development rights been considered throughout the downtown? Smaller property owners in the downtown or along the waterfront that do not maximize their zoning envelope could sell air rights to the Applicant to create more density in the River Park Center and Cacace Center projects.

(Mario Caruso, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/2/2008)

Response III.A-184:

Under the proposed regulations, only a designated Development Site (i.e., a tract having 10 acres or more and subject to a development application made or authorized by the owner(s)) could be "subdivided" into lots consisting solely of air or subsurface space. It would not be possible for

off-site property owners to sell air or development rights to the Applicant. See also Responses III.A-160, III.A-161.

Comment III.A-185:

Executive Summary, 1-10, 5. Sale of Land: In an effort to quantify the City's contribution to this public private partnership beyond the projected \$160,000,000 in infrastructure construction, will there be an appraisal completed for all public lands? These would include the acreage of the streets to be discontinued, the Chicken Island parking lot, Government Center garage, Cacace lot, waterfront parcels H, I and part of J, alienated park land, the Health Center Building and the Fire Headquarters.

(Mario Caruso, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/2/2008)

Response III.A-185:

See Response III.A-12.

Comment III.A-186:

Executive Summary, I-13: The line beginning with "Connections with..." should the "1990 downtown plan discussed below" be replaced with the "1998 downtown plan discussed above".

(Mario Caruso, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/2/2008)

Response III.A-186:

The correct reference is to the 1998 plan. The sentence should read, "Connections built upon prior comprehensive plan documents, including the 1977 policy document discussed above and a 1998 downtown plan, discussed above."

Comment III.A-187:

River Park Center - N.E. corner New Main and Nepperhan (River Walk) Who will construct, own and maintain proposed elevator and access points?

(Joseph Moran, P.E. Acting City Eng, Department of Engineering, City of Yonkers, Memo, 5/13/2008)

Response III.A-187:

The riverwalk, including the elevators and access points, will be owned and maintained by the Applicant.

Comment III.A-188:

What are the justifications for the requested changes to the Zoning Ordinance, to the Getty Square Urban Renewal Plan, to the Waterfront Master Plan? These laws and Plans are in place to protect the City. Why should the City amend them to benefit a developer? Why are alternate

plans not pursued that would not require changes to these laws and plans? The only justification appears to be that this is what SFC wants. But the City Council must decide what is appropriate and beneficial to the City, not to a private developer.

(Loretta Miraglia, Resident, Memo, 5/30/2008)

Response III.A-188:

The zoning changes are consistent with the City's vision of creating a more mixed-use and vibrant downtown. See Responses III.A-4, III.A-7, III.A-171.

Comment III.A-189:

What justification is there to build 25 story towers on the banks of the Hudson River???

(Loretta Miraglia, Resident, Memo, 5/30/2008)

Response III.A-189:

See Responses III.A-15, III.A-119.

Comment III.A-190:

Page I-1.

- Palisades point 670 private parking spaces should be changed to 460, per table I-2

I-3 (pg 4)

- Promenade design will incorporate guidelines for Westchester County River Walk -why, this is a city of Yonkers Esplanade.

(Jim Pinto, Director, Downtown and Waterfront Development (City of Yonkers), Memo, 5/30/2008)

Response III.A-190:

Palisades Point will contain structured parking of approximately 670 spaces, 184 of which will be replacement parking for the existing Scrimshaw House. The public promenade will incorporate guidelines developed by Westchester County to help achieve uniformity between the various sections of the Riverwalk throughout Westchester County. Funding from the County will also be requested.

Comment III.A-191:

Page II-7 Government Center

- Change 1083 public parking spaces to 1048 (per table 1-2)
- Change 473 private parking spaces to 565 (per table 1-2)
- Palisades Avenue Office Building add 10,000 s.f. of retail to description

(Jim Pinto, Director, Downtown and Waterfront Development (City of Yonkers), Memo, 5/30/2008)

Response III.A-191:

Comments noted.

Comment III.A-192:

Page 14 Correct approximate s.f. total of River Park Center to conform to table I-1 Executive Summary

(Jim Pinto, Director, Downtown and Waterfront Development (City of Yonkers), Memo, 5/30/2008)

Response III.A-192:

Comment noted. River Park Center will contain approximately 455,000 square feet of retail.

Comment III.A-193:

- 1) Do not approve of Palisades Point (2 25 story towers) on Hudson Waterfront REASONS: 1) economically unsound due to slow housing market.
- 2) Property and lives of residents placed in jeopardy due to flooding caused by rising sea levels caused by global warming/climate change... possibility of law suits (city cannot plead ignorance of scientists predicting coastal flooding every 10 yrs. for next century)
- 3) Poor quality of life for residents b/c towers too close to Sugar Co. which cause noise, dust pollution
- 4) 1998 Downtown Waterfront Master Plan: No buildings over 8 floors, architecture should reflect Hudson Valley rivertown features, should blend with landscape, not overshadow it.

(Terry Nagai, Resident, E-mail, 5/30/2008)

Response III.A-193:

Comments noted. Mitigation for the Sugar Refinery is discussed throughout the DEIS and this FEIS, specifically in Chapters III.A, III.F, and III.G. See also Responses III.A-4, III.A-57, III.A-60.

Comment III.A-194:

8. The Hudson River view will be lost forever with the tall buildings. If you stand on Metro-North platform you will see buildings that are very tall. Also, the middle class employment is gone, and the last company Jack Frost (now Domino Sugar Plant) should stay open.

(Valerie Perez, Letter, 5/27/2008)

Response III.A-194:

Comment noted.

Comment III.A-195:

I do not believe a minor league baseball field and a shopping center can or even should be expected to serve as the anchor for the downtown redevelopment effort. Even if a "minor league" is found for the baseball field, it would be utilized at most for 35-40 "home games" a year. A new shopping center will have to compete with a revitalized Cross County Center, Ridge Hill and the nearby malls in White Plains. More is needed to insure a vital and active city center. Experiences around the country demonstrate that successful redevelopment of downtown central city areas includes the arts. Additionally recent studies by the Port Authority of NY & NJ consistently show that every dollar spent on the arts produces 10 to 12 times that amount in economic activity. The arts are increasingly seen as an important tool for urban revitalization. An arts component to the redevelopment effort could also open up new funding sources. Consideration needs to be given to the creation of a performance space suitable for music, dance and theatre that would be the key link in a downtown arts infrastructure. Absence of such consideration from the DEIS is troubling.

(William Dennison, Resident, Memo, Not Dated)

Response III.A-195:

Comment noted. See Response III.A-28.

Comment III.A-196:

The DEIS fails to analyze whether Palisades Point will cause any adverse impacts with the surrounding land use and zoning, which is (as acknowledged by the Project's March 27, 2007 Scoping Document (the "Scope")) a principal purpose of the Land Use and Zoning chapter. The chapter's "Anticipated Impacts" section (III.A-20 to A-21) only observes that the Palisades Point towers "will present a different character" than the adjacent use of ASR's sugar refinery. The DEIS fails to analyze the land use impacts inherent in the placement of two 25-story residential towers immediately adjacent to an operating industrial facility, whether those impacts are analyzed from (for example) the perspective of building heights, "occupant livability," visitors to/users of the waterfront, or otherwise. For the DEIS merely to state that Palisades Point offers a "different use" or "different character" (III.A-20), but promise that the site "will become a major attraction for the community as a whole" (III.A-21), is not sufficient "analysis" under SEQRA or NEPA. (See ASR's comments on the Alternatives chapter for additional comments on the DEIS' failure to consider the impacts of adjacent land use.)

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-196:

Neither the change of the character of the City's waterfront from former industrial use to mixed residential and commercial use nor the presence of new homeowners on the land adjacent on to the facility (both of which have long been planned by the City) is an adverse land use impact of this Project. Residential use (but not density) is consistent with the 1998 Master Plan & Design Guidelines for the Yonkers Downtown Waterfront and the City's zoning for the site. The closest of the towers will be approximately 230 feet from ASR's northerly property line. The publically

accessible open space and extension of the public riverfront promenade at Palisades Point will be community attractions. See Response GA-93.

Comment III.A-197:

Moreover, DEIS Appendix 1, §1B ("Response to NYS Coastal Policies") states, on page 2, that landscaping and parking will be provided to buffer the residential development and the public open space areas from ASR's existing industrial use. However, nowhere does the DEIS support or detail such buffering, or discuss the location and height of the Palisades Point towers relative to various aspects of ASR's refinery including, for example, its smokestacks. (See ASR's comments on Noise, Air and Response to NYS Coastal Policies chapters for additional comments.) It is antithetical to sound land use planning to site residential uses immediately adjacent to heavy industrial uses, as such uses are not compatible. Typically, good land use planning contemplates a graduation of uses, so that heavy industrial is located adjacent to, for example, light industrial or commercial, and then residential. Simply providing a limited area of open space – rather than intervening uses or structures - is not a substitute for good planning.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-197:

The Applicant believes that sound land use planning is planning that makes the City's vision for the future achievable, and the City's vision for the future of the Palisades Point site and the rest of the waterfront is mixed-use residential and commercial development as contemplated by the 1998 Master Plan & Design Guidelines for the Yonkers Downtown Waterfront, and consistent with the residential and commercial uses that have now been firmly established north of the Palisades Point site. The closest residential tower at Palisades Point would be approximately 420 feet from the northerly-most stack at the ASR facility, a gas turbine stack that is approximately 70-feet above grade. As detailed in Section III.F of the DEIS (see pages III.F-32 and 33) and in Response to Comment III.A-3 in this FEIS, the Applicant has identified mitigation measures that could be incorporated as part of the design to address the air quality and noise issues. See also III.A-196.

Comment III.A-198:

The DEIS similarly fails to consider whether the proposed recreation/canoe/kayak facilities can or should be located as far from the sugar refinery as possible, due to potential safety or other concerns. On the contrary, at Appendix 1, §1B, on page 3, the DEIS states that the canoe and kayak launch will be located at the southern portion of the Palisades Point project. This is the portion of the Palisades Point site closest to the dock by which ASR's refinery regularly receives barges and other vessels that supply raw sugar cane. The DEIS does not address either the possible danger to recreational boaters that is posed by the proximity of ASR's barge traffic (where a single vessel can carry up to 40 million pounds of sugar), or the possible danger to the sugar barges and other vessels docking at ASR should they be forced to make sudden movements when coming upon a kayak or other recreational watercraft originating from the Palisades Point site.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-198:

Comment noted. The location can be re-examined as part of the site plan approval process, when the Planning Board and other interested agencies comment on site specific matters, and a determination made as to the appropriateness of the location or whether to exclude that proposed project element. The Applicant will coordinate with the Army Corps of Engineers and the US Coast Guard, as they share the responsibility to coordinate and resolve conflicts with existing and proposed navigation uses. In addition, the Coast Guard publishes a document entitled "Navigation Rules of the Road". If it is deemed appropriate, the applicable "Rules" that pertain to the recreational users of the canoe/kayak launch can be posted near to the launch.

Comment III.A-199:

The DEIS also fails to consider the risk inherent in introducing casual boaters so close to ASR's shoreline, which includes one building constructed on pilings over the Hudson River, and a raw sugar dock structure; both of these structures would be accessible by small boats and are potentially hazardous areas to explore. This danger would have to be mitigated by, at the very least, the construction of barriers along the pilings of both structures to prevent entry.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-199:

Kayakers and boaters assume the risks inherent in those activities. The risks identified by the commenter exist irrespective of the location of the point of entry. See also Response III.A-198.

Comment III.A-200:

The DEIS fails to analyze whether the Applicant's very different proposal is consistent with the planning principles and design guidelines set forth in the WMP, which call for a "small-scale neighborhood atmosphere" and "low-rise, high-coverage development" for the waterfront. (WMP, Design Guidelines, Waterfront Area, page 1-14.) The DEIS simply fails to discuss whether the proposed Palisades Point development, which calls for 436 units - 174 more units than the WMP proposes - is consistent with the overall WMP.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-200:

The Proposed Action includes the proposed amendment of the 1998 Master Plan & Design Guidelines for the Yonkers Downtown Waterfront. Development of the Palisades Point site in accordance with the existing plan is not a reasonable alternative considering the objectives of the Applicant.

The following addresses the impact upon the square foot allocation of hard construction costs by reducing the Palisades Point project from the proposed two 25 story structures with 436 units comprising 576,000 square feet of residential and 669 structured parking spaces to two 8 story structures with 262 units comprising 262,000 square feet of residential with 528 structured parking spaces. The change from a twenty five story building to an eight story building will not have a corresponding reduction in the cost to construct the smaller buildings when amortizing such cost on a square footage basis.

The configuration of the eight story structures would consist of one building comprising 90,000 square feet of residential on seven floors and the other building would consist of 172,000 square feet of residential on seven floors. The 172,000 square foot building would have an inefficient 25,000 square foot floor plate requiring longer single-loaded corridors around an interior courtyard, multiple risers for mechanical, electrical and plumbing systems, additional stairwells and elevators and an increased wall to floor ratio requiring more building enclosure and interior construction. The net effect of this would result in an estimated 72% saleable to buildable square footage ratio compared to 88% in the 25 story structure.

The program for the eight story structures also assumed 1000 square foot units as opposed to the 1300 square foot units proposed in the 25 story structures. The reduced height of the building and the reduced size of the units will both have a negative effect on the blended sales price per unit in the eight story structures.

It is estimated that the 25 story structure can be erected for a hard construction cost of approximately \$310 per square foot. Conversely, when accounting for the lost efficiencies of the taller structures and the massing of the 172,000 square foot building is estimated that this cost will increase to approximately \$400 per square foot. This increased cost for construction per square foot can be broken down as follows:

(i) excavation and foundations \$5 psf; (ii) lobby and amenities \$5 psf; (iii) building enclosure and roof \$25 psf; (iv) mechanical, electrical, plumbing and sprinkler systems \$30 psf; (v) elevators and stairs \$15 psf; (vi) interior carpentry and drywall \$10 psf.

Consequently the per square foot cost to construct the 8 story structures will increase by an estimated 30% while the market price for such units will drop due to the smaller configuration and less desirable views.

See also Response III.A-4.

Comment III.A-201:

The DEIS describes the WMP as envisioning three different scenarios, reflecting residential, commercial and retail uses, on six blocks of waterfront including Palisades Point and other sites. However, the DEIS neglects to identify the total number of units and the square footage of commercial and retail uses that currently are located on other sections of the waterfront covered by the WMP. Thus, the DEIS does not analyze whether Palisades Point fits into any of the WMP's three scenarios.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-201:

Because the proposed density at Palisades Point exceeds the density under all three scenarios under the 1998 Master Plan & Design Guidelines for the Yonkers Downtown Waterfront, the development plan does not "fit into" any of the scenarios See also Responses III.A-200, III.A-202.

Comment III.A-202:

The DEIS does not set forth that the WMP's Scenario B contemplated no residential use at all on Lot "I," the section of Palisades Point that is closest to ASR, and only 90 dwelling units, which would be for senior citizens, on Lot "H," the part of Palisades Point that is furthest from ASR (WMP, page S-5). Thus, the DEIS does not address the significant difference between its intended residential use of Lot "I" and the WMP's Scenario B non-residential use of Lot "I."

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-202:

Comment noted. Scenarios A and C show 262 residential units on Parcels H and I, of which 90 units are senior housing on Parcel I. In Scenario B there is no housing on Parcel H, but 90 units of senior housing on Parcel I. The proposed amendment to the 1998 Master Plan & Design Guidelines for the Yonkers Downtown Waterfront is being reviewed by the City Council as part of the Proposed Action in the context of all three scenarios under the current plan. The proposed Project does not call for senior housing but will be marketed primarily to empty nesters and young professionals. As discussed in Response LA-5, the Applicant proposes, to provide the equivalent of 10 percent of its housing units as affordable housing units, half of which would be constructed on-site. The Applicant proposes that these units would be available to low income persons meeting Westchester County standard of affordability (80% AMI), a standard that may apply to seniors.

Comment III.A-203:

In addition, the DEIS contains inconsistencies with respect to the identification of the WMP. Appendix 1 §IE is captioned, "Proposed Amendment to the Yonkers Downtown Waterfront Plan September 1997, May 1998." The DEIS, at page III.A-15, states that the plan was adopted on different dates, in December 1998 and April 1999. The City of Yonkers Office of Development & Waterfront Development provided a copy of the Yonkers Downtown WMP that contains a third date: November 1998, with an Acceptance Date of November 23, 1998. Thus, there is inconsistency over versions of the WMP, and, importantly, the changes proposed by the Applicant (in DEIS Appendix 1, §IE) do not correlate to any of the pages or paragraphs of the November 23, 1998 WMP.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-203:

The November 1998 report is the version contained in the Final Generic Environmental Impact Statement and was actually approved by the Yonkers Community Development Agency on December 16, 1998, and by the City Council on April 14, 1999.

Comment III.A-204:

Although the DEIS goes on to proclaim that the proposed floor area ratios and residential densities of the Project are within the recommended maximums of the Patterns for Westchester, the DEIS fails to state that such conformance is solely with a general plan for the whole county and not with the more specific WMP.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-204:

Comment noted. See Response III.A-4.

Comment III.A-205:

On page III.A-25, the DEIS incorrectly states that the Palisades Point development is consistent with the Riverview Urban Renewal Plan ("RURP"). The RURP, on its page 32B, proposes changing the zoning for Area #10 (which contains the Palisades Point site) to that of a BA (Retail Business-Apartments) district and directs that development shall conform with codes and ordinances as permitted in the City's BA zone district or in a Planned Development/Redevelopment ("PDR") zone district.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-205:

The Palisades Point site is shown on the City's Zoning Map as being in the former PDR District. The former PDR District was an overlay district for land in the B, BA or BR District. There were no fixed use regulations or dimensional requirements in a PDR District; upon City Council approval of the rezoning of land to PDR District and of the required "conceptual plan" for the District, "the uses and building regulations contained in the conceptual plan [were] deemed permitted uses in the manner stipulated by the Yonkers City Council in its approval." Palisades Point is proposed to be approved as a "Planned Urban Redevelopment" under the City's current Zoning Ordinance. Like former PDR District uses, Planned Urban Redevelopments do not have to conform to underlying use and dimensional regulations. The proposed zoning for Palisades Point is therefore consistent with the PDR zoning recommendation of the RURP.

Comment III.A-206:

The DEIS does not address the inconsistency with respect to parking between the Applicant's proposal and the RURP. As shown below, the proposed parking for Palisades Point does not meet Code requirements; however, it is required to, as the RURP states at its page 24: "where applicable and appropriate, off-street parking shall conform to the City's zoning ordinance."

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-206:

The RURP recommended PDR District zoning for the site, and under that zoning, parking requirements were set by the City Council in its discretion. The City Council has the same authority to set the parking requirement in a Planned Urban Redevelopment. In both instances, the parking requirement set by the Council "conform[s] to the City's zoning ordinance." Therefore, there is no inconsistency with the RURP. See Response III.A-205.

Comment III.A-207:

The DEIS fails to analyze the likely significant adverse impacts that a PUR designation could have resulting from requirements imposed by the Planning Board and the City Council. The absence of predictable, known regulations places a heavy burden on the DEIS comprehensively to analyze whether the proposed development meets all the requirements of good zoning as well as those standards set forth in the Code for evaluating special permit applications such as that for a PUR. (See Code §43-60, which directs that the Planning Board review an application for a special use permit by certain standards, including that such a use "shall not affect adversely the character of the district," and "shall be of such appropriate size," and "shall not conflict with... such plans as may have been adopted by the City Council or Planning Board.")

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-207:

Comment noted. The DEIS provides the appropriate level of information and detail for review by the City Council of the potential environmental impacts of the Palisades Point project. The Planning Board will review the development plan in accordance with all relevant requirements of the Zoning Ordinance.

Comment III.A-208:

Although the Scope requires that the DEIS identify and discuss necessary governmental approvals (page 9), the DEIS fails to set forth the Code requirement that the PUR be designed according to a Comprehensive Development Plan ("CDP") approved by the Planning Board. (Code §43-72(C)(3).) The DEIS neglects to discuss the specific factors that the Code requires for a CDP such as, among other things, a statement as to capacities of existing water and sewer lines and gas and electric lines and related facilities and that such water, sewer, gas, and electric lines are adequate. (Code §43-72(C)(3)(g) and (h).) Also, the DEIS does not set forth that the Applicant, as part of the PUR approval process and after any approval of the CDP by the

Planning Board and the City Council, would have to submit a site plan of the PUR to the Planning Board for its review and approval. (Code §43-72(C)(4).)

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-208:

The Zoning Ordinance provides that approval of the CDP by the Planning Board and the City Council shall be “as required for special use permits.” Approval of a PUR and approval of the CDP for that PUR is therefore one and the same thing. Section III.H of the DEIS and the supporting Utility Report Appendix as well as this FEIS, including the hydraulic analysis presented in FEIS Appendix D, have extensive discussion and analysis of the adequacy and “capacities of existing water and sewer lines and gas and electric lines and related facilities” that would serve the site.

See Response LA-16, LA-17.

Comment III.A-209:

The DEIS fails adequately to identify and discuss the parking requirements for Palisades Point. Although receiving a PUR approval may exempt the Applicant from otherwise applicable use and dimensional requirements such as Floor Area Ratio or height limitations, the Applicant nevertheless must satisfy city parking requirements. The Code provides that, "Except as provided for in §43-130, all uses of land, buildings, and structures shall be required to meet the off-street parking and loading spaces regulations and standards as required herein." (Code §43-127.) Additionally, a PUR, as a type of Special Use Permit, is permitted by the Code so long as it meets the requirements of the Special Use Permits Article VII of the Code and "all other requirements of this chapter." (Code §43-50.) Another "requirement of this chapter" is Article X, Off-Street Parking and the need to comply with off-street parking space regulations. (Code §43-127.) Thus, the Code requires parking compliance for all uses, including those contemplated for Palisades Point, and does not provide an exemption for a PUR.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-209:

Comment noted. A ratio of one space per multifamily unit is, in the Applicant's opinion, appropriate for transit oriented developments, such as this proposal, and is consistent with the City's current evaluation of parking needs for the Alexander Street area. If the City's Commissioner of Buildings and Corporation Counsel conclude that off-street parking for a PUR must be provided in accordance with Section 43-128 (and Table 43-4) of the Zoning Ordinance, then the Applicant will petition the City Council for an additional amendment to the Zoning Ordinance permitting the City Council to set the off-street parking requirement for a PUR.

Comment III.A-210:

The DEIS materially undercounts the parking required for Palisades Point. Applying the requirements that the DEIS sets forth on Table III.A-4, Palisades Point requires 945 spaces, or 275 more than the 670 off-street parking spaces that are proposed.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-210:

The existing parking ratio for residential uses is 1.0 spaces per unit plus 0.33 spaces per bedroom. The Applicant has proposed a total of 1.0 spaces per unit. See Response III.A-209.

Comment III.A-211:

Parking deficiencies at Palisades Point could impact ASR's ability to utilize its easement (discussed in more detail below) to route trucks through the Palisades Point site, or ASR's railroad track siding (which runs from ASR's northern border onto the Palisades Point site) in the event the Applicant redesigns the Palisades Point parking layout in order to provide this additional parking. The Supplemental DEIS should consider alternatives that ensure that any such redesign by the Applicant does not interfere with ASR's easement route or railroad track siding.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-211:

The DEIS demonstrates that 1 parking space per dwelling unit is adequate for downtown residential uses such as Palisades Point. Based on this, the parking proposed at Palisades Point will be adequate to serve the project as well as the Scrimshaw House. The Applicant proposes to construct a new public street across the eastern portion of the Palisades Point site which will provide vehicle access to the ASR that is at least equivalent to the access currently provided by the easement. ASR's vehicular access across the Palisades Point site will not be impacted by the parking plan for Palisades Point. The Applicant is not aware of any agreement between ASR and CSX and/or Metro-North Railroad with regard to the use of the siding.

Comment III.A-212:

Additionally, the DEIS describes the publicly accessible open space, esplanade and the canoe/kayak launch as likely to make Palisades Point a "major attraction for the community as a whole." (III.A-21.) But the DEIS fails to address whether the 57 on street parking spaces will be sufficient to meet the needs of this "major attraction." There is no Code amendment among those proposed in Appendix 2, §2.M that pertains to parking in a former PDR district or that sets forth what parking space requirements the Applicant would seek when applying for the PUR special permit.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-212:

Comment noted. There is no parking requirement for the kinds of public and publicly accessible uses proposed at Palisades Point. In the Applicant's experience, 57 public parking spaces would be sufficient for persons visiting Palisades Point. No direct comparison to the City of Yonkers parking requirements can be made because the City of Yonkers' Zoning Code does not have an equivalent category for the proposed publicly accessible open space at Palisades Point. Table 43-4 of the Zoning Code indicates that restaurants are required to provide 1 space per 3 seats or 100 sf of gross floor area and private marinas are required to provide 1 parking space per boat or per 1000 sf of dry storage area. Hiking and picnicking areas are required to provide 2 parking spaces per acre of lot area. Athletic fields are required to provide 20 spaces per field or diamond.

Comment III.A-213:

Finally, the DEIS' discussion of parking at Cacace Center and River Park Center, on pages III.A-23 and A-24, should make clear that such discussion does not pertain to Palisades Point. For example, it should be specified that the total parking spaces set forth on page III.A-24 ["approximately 6000"] is made up of the proposed parking for Cacace Center, Government Center, the ballpark, and the office building at Elm and Palisade Avenue.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-213:

Comment noted. Palisades Point parking, which includes structured parking and surface parking, is presented separately from the parking at the other Project sites. Note that the Palisade Avenue Office Building is a component of River Park Center, not Palisades Point. The CH Martin building is not part of the proposed development. If it were proposed for redevelopment in the future, its redevelopment plan would either have to comply with existing CB zoning, or a petition for a zoning change could be presented to the City Council for its consideration.

Comment III.A-214:

As mentioned above, the DEIS fails to discuss, at any point, the easement benefiting ASR that runs with the land on which Palisades Point is planned. The Supplemental DEIS must recognize said easement, analyze its effect on Project construction activities, and specify the steps that the Applicant will take to insure that the easement is not blocked during construction or Project operation. (See ASR's comments on the Construction chapter for additional comments regarding the easement.)

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-214:

The plan for Palisades Point calls for a public street to be constructed in the general area over which ASR has an easement. This easement runs along the Metro North tracks at the eastern edges of the Palisades Point site. The street will have a "curb-cut" allowing access to the ASR site and will therefore be consistent with, and serve the same purpose as, the easement. The City

will require the Applicant to prepare a construction management plan for each project site that is consistent with the construction phasing and staging information provided in the DEIS. The plan for Palisades Point will be required to maintain ASR's use of the easement during construction.

Comment III.A-215:

The Scope states that the DEIS will provide "a determination as to the use of state or federal funds in the acquisition and/or development" of parkland to be alienated as part of the project. (Scope at page 9.) The DEIS fails to fulfill this Scope mandate; the Land Use and Zoning discussion of the parkland alienation neglects to state whether state or federal funds were used to acquire and/or develop the parkland. (III.A-27 to A-28.) This failure to ascertain funding sources is important; indeed, the New York State Handbook on the Alienation and Conversion of Municipal Parkland says it "may be the most crucial step in the [alienation] process." (Handbook at 20.) If federal monies were used for the acquisition or development of such parkland, a federal process is triggered, as well as review under the National Environmental Policy Act and, potentially, the Endangered Species Act. Without this information, neither the Applicant nor the City will know what alienation process is required as part of the Project.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-215:

To the City Council's knowledge, federal funds were not used for the acquisition or development of the park land that has been approved by the State legislature to be alienated. It should be noted that the parkland areas in question were dedicated a significant time ago.

Comment III.A-216:

Similarly, the DEIS appears to rely upon a City proposal to use 8.25 acres of City-owned land as mitigation for the parkland to be alienated due to the Project. (III.A-28.) This is insufficient, however, as such mitigation has not been accepted by the State and indeed, as the DEIS acknowledges, the State rejected the City's prior replacement proposal.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-216:

The State Legislature has since approved the alienation of the park land on or about September 4, 2008 (Bill A08499).

Comment III.A-217:

More specifically, at page III.A-30, the DEIS purports to describe mitigation measures to address land use and zoning impacts, including a 10 foot buffer strip and 65± foot setback between Palisades Point and ASR's sugar refinery. However, the DEIS does not provide any foundation

for the assertion that the strip and the setback are appropriate or useful given the juxtaposition of two 25-story apartment towers to an operating sugar refinery.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-217:

The distance between the northerly property line of the ASR facility and the closest point of the building at Palisades Point is 75 feet, but the closest residential tower is approximately 230 feet from the property line. See also Response III.A-196.

Comment III.A-218:

In addition, the DEIS states that the height of the Palisades Point buildings is mitigated by their orientation perpendicular to the River and the amount of publicly accessible open space resulting from concentrating development in taller buildings rather than spreading it in lower structures. However, the DEIS does not state that the proffered mitigation comparison works only when considering 25-story towers not perpendicular to the River or when considering 436 units in low rise buildings. Indeed, the DEIS does not compare the impact that would result from shorter buildings or fewer apartments in less dense buildings, which development would be more consistent with both the RURP and the WMP.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-218:

The Alternatives section of the DEIS addresses several different building programs and designs for Palisades Point. Although a detailed analysis of the City's Downtown Waterfront Master Plan & Design Guidelines for the Palisades Point site was not undertaken, buildings that are perpendicular to the River and allow for a significant amount of riverfront open space are considered by the Applicant to be an effective design solution. Please note that while some members of the community were in favor of the proposed Prospect Street Bridge, others did not favor this amenity. For reasons including financial concerns, as well as community concerns regarding health and safety, the bridge has been eliminated from the Proposed Project. .

The visual analysis presented in the DEIS includes a comprehensive set of color illustrations, perspectives, cross sections, elevations and photo-simulations from a number of different vantage points within and outside the City limits. In reference to the comment, Exhibits III.B-2b and III.B-2j show existing and proposed views of Palisades Point from the west (Hudson River), and Exhibits III.B-2e and III.B-2h show views from the east. These exhibits clearly show the proposed configuration of the buildings and illustrate that the two buildings at Palisades Point are oriented perpendicular to the Hudson River. Page B-29 in the DEIS states that the two buildings at Palisades Point are perpendicular to the Hudson River, thereby minimizing visual impacts and maintaining important view corridors. While the DEIS does not provide existing and proposed conditions photo simulations for alternatives including those with shorter building height project programs, a comparison of the expected results of programming 436 units in low rise buildings can be effectively discussed from the aforementioned exhibits. The second design option considered for Palisades Point in the Chapter V (Alternatives) of the DEIS includes three 14-

story towers set upon a 5-story low-rise building in a configuration along the waterfront promenade similar to the proposed Project. The program for this option includes 436 residential units and approximately 8,700 square feet of commercial uses, identical to the proposed Project. From a visual perspective, this option is less attractive than the proposed Project since lower-rise 14-story buildings along the waterfront, while not as visible from points distant from the site, create a wall effect along the waterfront. The logic of this statement can be illustrated by the existing Scrimshaw House (Pierpointe on Hudson) building that is visible in Exhibits III.B-2b and III.B-2j. This building is shorter than the buildings proposed in the alternative (10-stories versus 14-stories), and even at this height it is evident that this building configuration creates a greater impact on view of the Hudson River from the City of Yonkers because it is wider, and therefore occupies a broader stretch of the viewshed.

The visual impact relative to the height of the proposed buildings relates to the existence of the residential neighborhood to the east. Based on USGS information, the Palisades Point site is at elevation ± 6 feet, three shorter (14-story) wider buildings would occupy a greater portion of the site and rise to approximately elevation 140 feet. USGS information lists adjacent neighborhood street elevations to the east as Buena Vista elevation ± 45 feet, Hawthorne Avenue ± 85 feet, Riverdale Avenue ± 55 feet and Broadway elevation ± 85 feet. In the Applicant's opinion, the construction of three 14-story buildings, consistent with that discussed in the comment or other configurations outlined in the Downtown Master Plan, would block selected views from points east of the site. See also Responses III.A-5, III.B-4.

Comment III.A-219:

The Visual and Community Character chapter indicates that the City Esplanade along the Hudson River (presently, ending on the north side of the Palisades Point site) will be expanded to "run the entire length" of the Palisades Point site's riverfront (page III.B16) and will be wider than the existing Esplanade (Exhibit III.B-4b). There is no analysis in the DEIS whether, and to what extent, such a use would impact ASR's barge and vessel operations, or any identification of potential mitigation measures.

(Daniel Riesel, Esq., Sive, Page & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.A-219:

The esplanade will be located completely on the existing uplands within the bounds of the site and therefore will have no effect upon ASR's barge and vessel operations.

Comment III.A-220:

Our 1998 Master Plan specified buildings 8-12 stories high. This new plan seems a gross neglect of this plan.

(Elliot Z. Levine, Resident, Letter, 5/30/2008)

Response III.A-220:

Comment noted. See Response III.A-4.

Comment III.A-221:

III.A-20 How will proposed uses and buildings "build" upon smaller scale retail? What will impact be to existing businesses?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Letter, 5/30/2008)

Response III.A-221:

See Responses III.I-85, III.I-86.